

and Roger C. Barsey and 17 others, of Bristol County, Mass., protesting against enactment of so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

5998. By Mr. NELSON of Missouri: Petition signed by Lucy Willoughby and others, all citizens of Bunceon, Mo., in behalf of Civil War pension bill; to the Committee on Invalid Pensions.

5999. Also, petition in behalf of Civil War veterans and their dependents, signed by Edward Barchard and other citizens of Chamois, Mo.; to the Committee on Invalid Pensions.

6000. By Mr. O'CONNELL: Petition of the Board of Estimate and Apportionment of the City of New York, favoring amendment to section 116 of the Federal income tax law, so that the revenues from the railroad operation in which the city of New York is financially interested shall be made exempt from income tax, as more specifically set forth in attached resolution; to the Committee on Ways and Means.

6001. Also, petition of Hon. Manuel L. Quezon, president Philippine Senate, opposing the passage of Senate bill 2787 and House bill 10074, for the appointment of governors of the non-Christian Provinces in the Philippine Islands without the consent of the Philippine Senate; to the Committee on Insular Affairs.

6002. Also, petition of the New York Association of Biology Teachers, favoring the passage of the Copeland-Wainwright bills for the placing of the names of certain individuals on the rolls of the War Department and to authorize the Board of Regents of Smithsonian Institution to make certain recommendations; to the Committee on Military Affairs.

6003. Also, petition of the National Association of Manufacturers, New York City, favoring some measure of corporate income tax reduction at this session of Congress; to the Committee on Ways and Means.

6004. Also, petition of the Amsterdam Broom Co., Amsterdam, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

6005. Also, petition of Harriet C. Martin, 131-150 One hundred and seventh Avenue, Richmond Hill, Long Island, N. Y., and 40 other citizens of the ninth congressional district of New York, opposing the Lankford bill (H. R. 78), compulsory Sunday observance; to the Committee on the District of Columbia.

6006. Also, petition of Maurice Stember, adjutant New York Department, American Legion, favoring the Tyson bill without amendment, as the bill passed the Senate; to the Committee on World War Veterans' Legislation.

6007. By Mr. O'CONNOR of New York: Resolutions of the Board of Estimate and Apportionment of the City of New York, petitioning Congress to amend section 116 of the Federal income tax law; to the Committee on Ways and Means.

6008. By Mr. PRATT: Petition of residents of Hudson, Columbia County, N. Y., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6009. Also, petition of residents of Sharon Springs, Schoharie County, N. Y., and 20 members of the Men's Bible Class of the Methodist Episcopal Church of Philmont, Columbia County, N. Y., urging favorable action on House bill 11410; to the Committee on the Judiciary.

6010. By Mr. RATHBONE: Petition from 36 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6011. By Mr. SANDERS of Texas: Resolutions by the Henderson Chamber of Commerce, asking for an appropriation of \$6,000,000, or so much thereof as may be necessary, to exterminate the pink bollworm; to the Committee on Agriculture.

6012. By Mr. SELVIG: Petition of Mr. and Mrs. Fred N. Larson, residents of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6013. Also, petition of Grace E. Craik, resident of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6014. Also, petition of Maude Shave, citizen and resident of Fergus Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6015. Also, petition of Andy Craik and other residents of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6016. Also, petition of Adelaide Quale, citizen of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6017. By Mr. SWING: Petition of citizens of Riverside, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

6018. By Mr. WELCH of California: Petition from Columbia Typographical Union No. 101, Washington, D. C., favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

6019. Also, petition of Merchants and Manufacturers Association (Inc.), Washington, D. C., favoring the passage of the Welch bill (H. R. 6518), to increase the salaries of Federal employees; to the Committee on the Civil Service.

6020. Also, petition from W. L. White, general manager, Yosemite Valley Railroad Co., Merced, Calif., favoring the passage of House bills 5819 and 8549, relating to the exemption of short-line railroads; to the Committee on Interstate and Foreign Commerce.

6021. Also, petition submitted by the United States Employees Association, containing 52 signatures, favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

6022. By Mr. WELSH of Pennsylvania: Petition advocating passage of House bill 6518, providing a minimum rate of \$1,500 per annum for all Government employees; to the Committee on the Civil Service.

6023. By Mr. WINTER: Petition of Logen Fjallets St. Jarna, No. 236, Vasa Order of America, Rock Springs, Wyo., protesting against the new immigration quota from Sweden and other Scandinavian countries; to the Committee on Immigration and Naturalization.

6024. Also, resolutions from Cody Club, Cody, Wyo.; the Star Valley Commercial Club, Afton, Wyo.; and the board of directors of the Casper Chamber of Commerce, Casper, Wyo., in support of House bill 7343, a bill for increasing appropriation for forest highway construction; to the Committee on Roads.

SENATE

TUESDAY, March 27, 1928

The Chaplain, Rev. Zeb Barney T. Phillips, D. D., offered the following prayer:

O Father of all, who art wisdom and beauty and goodness, whose spirit ever strives in the souls of men, we thank Thee that Thou hast made us heirs of Thy creative power throughout the ages and called us to share Thy burden of redemption. Renew in us, we pray, the gift of wonder, the joy of discovery, and the everlasting freshness of experience in every day's most quiet need. Purify our lives and sanctify our homes; that our land may be filled with abundance of peace. Touch with live coals from off the altar of devotion the lips of these Thy servants, that in word and power they may be prophets of the new dawn of righteousness when all mankind shall serve Thee and worship Thee in the beauty of holiness. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street;

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; and

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 52. An act to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia;

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;

H. R. 7722. An act authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards; and

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.;

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians; and

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McNary	Simmons
Barkley	Gillett	Mayfield	Smith
Bayard	Glass	Metcalf	Smoot
Blaine	Goff	Moses	Steck
Bleasie	Gooding	Neely	Stelwer
Borah	Gould	Norbeck	Stephens
Broussard	Greene	Norris	Swanson
Bruce	Harris	Nye	Thomas
Capper	Harrison	Oddie	Tydings
Caraway	Hawes	Overman	Tyson
Copeland	Hayden	Phipps	Wagner
Curtis	Heflin	Pine	Walsh, Mass.
Cutting	Johnson	Pittman	Warren
Denen	Jones	Ransdell	Waterman
Dill	Kendrick	Robinson, Ark.	Watson
Edge	Keyes	Robinson, Ind.	Wheeler
Edwards	King	Sackett	Willis
Fess	McKellar	Sheppard	
Fletcher	McLean	Shipstead	
Frazier	McMaster	Shortridge	

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. BRATTON], and the Senator from Alabama [Mr. BLACK] are necessarily detained, attending the funeral of the late Senator FERRIS.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto; to the Committee on the Judiciary.

H. R. 52. An act to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia;

H. R. 7722. An act authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards; and

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia; to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

Mr. THOMAS. I present a memorial from members of the Choctaw and Chickasaw Tribes of Indians in Oklahoma, and ask that it be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

A memorial to the President and the Congress of the United States

A convention of the members of the Choctaw and Chickasaw Nations assembled at Ardmore, Okla., on the 23d day of March, 1928, realizing that a crisis in the affairs of their people has been brought about by the expiration of time and the laws of the Congress of the United States placing upon them burdens of citizenship which many of them are ill-prepared

to meet, and aware that they have large property rights which are in process of settlement in which their interests are liable to be sacrificed, and realizing the pressing need of so many of their people to receive the money which upon a final just and fair settlement is due them as soon as possible, and in view of the fact that their tribal governments have been abolished and they now have no organized means of taking action to protect their interest nor to defray the expenses of so doing, have this day selected the following members of the Choctaw Nation, Dr. E. N. Wright, T. W. Hunter, Peter J. Hudson, Henry J. Bond, Mrs. Czarina C. Conlan, and the following members of the Chickasaw Nation: Walter Colbert, George W. Burris, Mrs. Estelle Ward, Ruford Bond, Franklin Bourland, as their representatives and delegates to visit the seat of government and the Congress of the United States at such times as they may deem fit and proper, to represent us upon all matters upon which Congress has power to legislate, and we respectfully ask to this end that Congress appropriate sufficient of the funds belonging to us to defray the expenses and provide for a per diem of such delegation, and that said delegation be officially recognized by all departments of the Government of the United States.

We earnestly memorialize Congress to this end and especially urge the Oklahoma delegation to aid us in every way possible to secure this representation and protect our interest.

Witness our hands at Ardmore, Okla., on this 23d day of March, 1928.

(Mrs.) CZARINA C. CONLAN,
Chairman of the Convention.
FRANKLIN BOURLAND,
Secretary of the Convention.

Mr. WATSON presented the following joint resolution of the Legislature of the State of Indiana, which was referred to the Committee on Interstate Commerce:

UNITED STATES OF AMERICA, STATE OF INDIANA,
OFFICE OF THE SECRETARY OF STATE.

I, F. E. Schortemeier, secretary of state of the State of Indiana, hereby certify that the following and hereto attached is a full, true, and complete copy of enrolled Senate Joint Resolution 5, chapter 269, acts of seventy-fifth regular session of the General Assembly of the State of Indiana.

Joint resolution requesting Congress to prepare, support, and secure the enactment of legislation limiting and defining the jurisdiction of the United States courts in public utility and rate cases to the consideration after, not before, the courts of various States have considered the issues involved

Whereas Congress in 1816 created Indiana a sovereign and independent State, with full right to control its local affairs, and the corporations it created, and these would include especially utility corporations, furnishing water, light, gas, phone service, and other necessities; and

Whereas the growth and development of the State of Indiana and its public utilities reached such proportions in 1913 that it became necessary that careful and proper consideration of the rights of the public and the adequate protection of the public welfare made it necessary for the General Assembly of the State of Indiana to create a public service commission; and

Whereas certain utilities of this State, to wit, the Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co. of Indianapolis, and the Central States Gas Co., of Vincennes, and the Greensburg Water Co., of Greensburg, petitioned the public service commission of the State of Indiana for increased rates for service to the public; and

Whereas such petitions were heard and valuations thereof determined and rates fixed by the Indiana Public Service Commission, which were, in the judgment of the commission, fair, reasonable, and just; and

Whereas said utilities, to wit, the Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co., the Central States Gas Co., of Vincennes, and the Greensburg Water Co. did, immediately in each case, invoke the jurisdiction of the Federal court of the State of Indiana instead of taking their cases to our State courts, alleging that the valuation determined and rates fixed by the public service commission were confiscatory; and

Whereas the laws of the State of Indiana governing the public service commission provide for and authorize any utility or person interested in any rate order to appeal to the circuit or superior court of any county in this State, from any order of the commission, fixing such rate, or rates, or valuation; and

Whereas such utilities did, in each instance, invoke the jurisdiction of the Federal court without first having pursued the remedy provided by the laws of the State of Indiana giving the right to appeal to the State courts; and

Whereas in each instance the Federal court has fixed a higher valuation and a higher rate than that fixed by the public service commission; and

Whereas the right of the State of Indiana to control its local affairs with reference to such utilities was defeated and prevented; and

Whereas the Public Service Commission of Indiana fixed the valuation of the Indianapolis Water Co. at \$16,455,000; the Indiana Bell Telephone Co. at \$32,000,000; the Citizens Gas Co. at \$12,000,000; the

Central States Gas Co., of Vincennes, at \$482,845; and the Greensburg Water Co. at \$225,000; and

Whereas thereafter at hearings in the Federal court of the district of Indiana the valuations of these public utilities were fixed at the following figures, to wit, the Indianapolis Water Co. at \$19,000,000, resulting in increase of rates; Indiana Bell Telephone Co. at \$36,000,000, resulting in increase of rates; Citizens Gas Co. at \$16,000,000, increasing the rate for gas from 90 cents to \$1.20; Central States Gas Co., of Vincennes, at \$739,572; and the Greensburg Water Co. at \$340,000, resulting in increase of rates: Therefore be it

Resolved by the Seventy-fifth General Assembly of the State of Indiana, That the United States Senators and Members of Congress, representing the State of Indiana, be, and they are hereby, respectfully petitioned to prepare, support, and their associates enact legislation limiting the jurisdiction of the courts of the United States in all cases that may be filed therein by public utilities seeking relief from orders issued by public service commissions to such utilities as have first exhausted all legal remedies given by the courts of the respective States; be it further

Resolved, That copies of this resolution be transmitted by the governor and the secretary of state to the Senators and Members of Congress representing the State of Indiana and the Senators and Congressmen of the other States of the United States.

F. HAROLD VAN ORMAN,
President of the Senate.
HARRY G. LESLIE,
Speaker of the House of Representatives.

Filed March 11, 1927—12.02 p. m.

F. E. SCHORTEMEIER,
Secretary of State.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Indiana. Done at my office in the city of Indianapolis this 12th day of March, A. D. 1928.

[SEAL.]

F. E. SCHORTEMEIER,
Secretary of State.

Mr. EDGE presented the following joint resolution of the Legislature of the State of New Jersey, which was ordered to lie on the table:

Joint Resolution 4, Laws of 1928

STATE OF NEW JERSEY.

Joint resolution for the approval of the bill introduced in the Senate and House of the United States Federal Congress to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, and to urge its passage by the Senate and House

Whereas a bill has been introduced in the Senate and House of the United States Federal Congress which has for its purpose granting to the States the power to legislate for self-protection against the products of convict labor from other States; and

Whereas the bill reads as follows:

"A bill to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise."

And

Whereas this bill will empower the States that do not permit the products manufactured in their penal institutions to be placed on the public market, to protect themselves from the products of penal institutions of other States, and to protect free labor which is now and for many years has been suffering from the competition of products made by the inmates of penal institutions: Be it

Resolved by the Senate and General Assembly of the State of New Jersey, The said bill be approved and recommended for enactment into law by the Federal Congress; and be it further

Resolved, That copies of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Federal Congress and to Representatives of the State of New Jersey in the United States Senate and House of Representatives.

Approved March 15, 1928.

Mr. EDGE also presented a letter in the nature of a petition from the Council of Affiliated Crafts of the Philadelphia (Pa.) Navy Yard, praying for the adoption of the so-called Dallinger

amendment to the naval building bill, and especially that eight cruisers be built in the navy yards, and that two of them be constructed at the Philadelphia Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. ROBINSON of Arkansas presented a letter from E. F. Stewart, 10 West Sixty-first Street, New York City, N. Y., relative to certain air mail contracts, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of the Arkansas Bankers' Association, protesting against the passage of measures amending section 5219 of the United States Revised Statutes, which was referred to the Committee on Banking and Currency.

Mr. WARREN presented a resolution adopted by the Lions Club, of Kemmerer, Wyo., favoring amendment of the rural post roads act so as to authorize the appropriation of \$15,000,000 for roads and trails in the national forests, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the board of directors of the Chamber of Commerce of Riverton, Wyo., favoring the passage of legislation providing for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. DENEEN presented petitions of sundry citizens of the State of Illinois, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. WALSH of Massachusetts presented letters and papers in the nature of petitions numerously signed by sundry citizens of the State of Massachusetts, praying for the passage of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war, which were ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. NORRIS, from the Committee on the Judiciary, to which was referred the bill (S. 3151) to limit the jurisdiction of district courts of the United States, reported it with an amendment and submitted a report (No. 626) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2612) for the relief of Mary Ellen Tiefenthaler, reported it without amendment and submitted a report (No. 627) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 217) providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries, reported it with amendments and submitted a report (No. 628) thereon.

He also, from the same committee, to which was referred the bill (S. 3095) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918, reported it without amendment and submitted a report (No. 629) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2655) to carry out the findings of the Court of Claims in the case of the Atlantic Works of Boston, Mass., reported it without amendment and submitted a report (No. 630) thereon.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 1275) to create an additional judge for the southern district of Florida, reported it without amendment and submitted a report (No. 631) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 359) authorizing the presentation of the iron gates in West Executive Avenue between the grounds of the State, War, and Navy Building and the White House to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park, reported it with an amendment and submitted a report (No. 632) thereon.

He also, from the same committee to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz. (Rept. No. 633); and

H. R. 7472. An act to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property (Rept. No. 634).

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this day that committee presented to the President of the United States the following enrolled bills:

S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; and

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 3786) to amend the corrupt practices act; to the Committee on the Judiciary.

A bill (S. 3787) for the relief of Barney Thompson; to the Committee on Claims.

A bill (S. 3788) granting a pension to Essie Horton; to the Committee on Pensions.

A bill (S. 3789) authorizing negotiations and providing for the construction, maintenance, and operation of an interoceanic canal over Nicaraguan territory, and for other purposes; to the Committee on Interoceanic Canals.

By Mr. DILL:

A bill (S. 3790) granting a pension to S. G. Leach; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3791) to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928; to the Committee on Pensions.

By Mr. BLAINE (by request):

A bill (S. 3792) for the relief of Joseph Abel; to the Committee on Claims.

A bill (S. 3793) authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River on the Grantsburg Road; to the Committee on Commerce.

By Mr. GOODING:

A bill (S. 3794) for the relief of R. E. Hansen; to the Committee on Indian Affairs.

By Mr. METCALF:

A bill (S. 3795) granting an increase of pension to Corella C. Bowers (with accompanying papers); to the Committee on Pensions.

A bill (S. 3796) for the relief of Lieut. Allen Hoar, Civil Engineer Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 3797) to amend section 2 of the act of Congress approved July 3, 1926, entitled "An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes"; to the Committee on the District of Columbia.

By Mr. NORRIS:

A bill (S. 3798) for the incorporation of the United Spanish War Veterans; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 3799) authorizing the appropriation of certain money; and

A bill (S. 3800) to carry out provisions of the Pan American Postal Convention concerning franking privileges for diplomatic officers in Pan American countries and the United States; to the Committee on Post Offices and Post Roads.

By Mr. SHORTRIDGE:

A bill (S. 3801) to correct the naval record of Robert Hoffman; to the Committee on Naval Affairs.

By Mr. DENEEN:

A bill (S. 3802) granting a pension to Hattie Bell; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3803) granting an increase of pension to Sarah C. Morris; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 3804) granting an increase of pension to Sarah M. Law; to the Committee on Pensions.

By Mr. PINE:

A bill (S. 3805) to amend the interstate commerce act affecting electric railways; to the Committee on Interstate Commerce.

A bill (S. 3806) granting a pension to Maggie Stroud; and

A bill (S. 3807) granting an increase of pension to Andrew J. Molder; to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 3808) to authorize the construction of a temporary railroad bridge across Bogue Chitto River at a point in township 5 south, range 6 east, St. Tammany Parish, La.; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 3809) conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of Roy A. Knabenshue against the United States for the use or manufacture of an invention of Roy A. Knabenshue, covered by letters patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907; to the Committee on Claims.

AMENDMENT TO FLOOD CONTROL BILL

Mr. McKELLAR submitted an amendment intended to be proposed by him to Senate bill 3740, the flood control bill, which was ordered to lie on the table and to be printed.

LOWER COLORADO RIVER BASIN

Mr. WATERMAN submitted an amendment intended to be proposed by him to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which was ordered to lie on the table and to be printed.

DECORATIONS BY FOREIGN GOVERNMENTS

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, which was ordered to lie on the table and to be printed.

FARMERS' PRODUCE MARKET IN THE DISTRICT

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, which was referred to the Committee on the District of Columbia and ordered to be printed.

NEED OF PROTECTION OF PROPERTY IN CHICAGO

Mr. NORRIS. Mr. President, the morning papers contain the startling announcement that the home of the Senator from Illinois [Mr. DENEEN] in Chicago was bombed last night. I simply want to express the wish and the hope that Senators who are influential with the President will prevail upon him to withdraw some of the marines from Nicaragua and send them to Chicago. It seems that American property is safer in Nicaragua than it is in Chicago. Of course, we want to use the marines to protect the property of American citizens. I trust, therefore, that instead of sending the entire Army and Navy to Nicaragua we may keep them at home to protect the property of citizens of that great patriotic and windy city on the lake.

FARM RELIEF

Mr. WATSON. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial which appeared in the Chicago Tribune on March 12, 1928, entitled "The farmers simplify the issue."

THE VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

THE FARMERS SIMPLIFY THE ISSUE

The new McNary-Haugen bill has been reported to the Senate with the indorsement of its Committee on Agriculture. The bill has the support of most of the organized farmers of the Nation. The changes made in the bill since it was vetoed at the last session of Congress indicate anything but the doctrinaire attitude toward their problems which farmers have been accused of maintaining. They have modified their bill to meet the criticisms of the administration.

The farm leaders have had to face two kinds of opposition. Some of their opponents have thought, though they have not always said it, that nothing should be done by the Federal Government to relieve agricultural depression. It is that viewpoint which has prompted the farmers to suggest from time to time the repeal of the tariffs on manufactured goods. They have said that if the Government can exert itself on behalf of manufacturers it can exert itself on behalf of the farmers, too, without doing violence to constitutional principles. The farmers' position we believe unassailable. More than that, it is to their credit that, though they may have met one rebuff after another, they have continued to press for positive relief rather than negative and vindictive action against the industrial and financial interests which have opposed them. The threats against the tariff on manufactured goods thus far have been made largely for rhetorical effect, but there is a limit to patience. It is hardly conceivable that the farmers will continue to take punishment indefinitely without striking back.

Those who conscientiously wish to do something to improve the position of agriculture in this country have presented two programs. The President and Secretary of Agriculture Jardine believe in cooperative marketing. They think the Government's credit can be loaned to the farmers' cooperatives to enable them to dispose of the crops systemat-

ically without severe price depressions at harvest time and without violent fluctuations of price between lean years and fat years.

The organized farmers have maintained that cooperation alone is not enough. They have evolved the plan of equalization fees to enable a Federal farm board to remove the surplus crops from the country and thus permit the rest of the crop to be sold in the United States at a tariff-protected price. The farmers say, with much reason, that the tariff at present does not protect them, because their crops are bought at the world price instead of the tariff-protected price. The successive McNary-Haugen bills have been concerned with setting up the machinery for removing the surpluses.

The new McNary bill departs from the predecessors in this respect: It withholds the operation of the equalization-fee principle until after ordinary cooperative marketing, as recommended by the administration, has been tried without success. Only if cooperation fails in achieving what its friends say it can not fail to accomplish is the other method to be attempted.

With this new bill the farmers have placed themselves in a strong position. Advocates of cooperation can not oppose the bill and continue to state that cooperation is a certain remedy for farm depression; indeed, exactly to the extent they have confidence in cooperation they must lend support to the bill. Opponents of the earlier McNary bills could do so either as friends of cooperation or as opponents of farm relief of any sort. Those who oppose this bill will write themselves down as opponents of all forms of farm relief.

We do not mean to suggest that the bill as drafted is beyond bettering. The farmers will welcome advice from economists, financiers, and others trained in such matters as they have hitherto. They will pay little attention to their so-called friends who have nothing to say but "No".

THE MISSISSIPPI LEVEE SYSTEM

Mr. STEPHENS. Mr. President, I ask unanimous consent to have inserted in the RECORD a very interesting article on the Mississippi levee system written by Hon. Jeff Truly, of Fayette, Miss., a former member of the supreme court of my State and a very able lawyer.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRULY SAYS ALL-LEVEE SYSTEM FAILURE—SPILLWAYS ONLY TRUE SOLUTION RIVER PROBLEM—SUGGESTS NATURAL OUTLETS FORMED ON ST. FRANCIS, ATCHAFALAYA, LA FOURCHE, IBERVILLE, SMALLER STREAMS—RIPARIAN PROPERTY SHOULD BE PROTECTED—SAYS COUNTRY ON EAST BANK OF MISSISSIPPI FROM VICKSBURG TO BATON ROUGE SHOULD BE EITHER PROTECTED OR BOUGHT

The following is an article written by Hon. Jeff Truly, of Fayette, Miss., who during his lifetime has made a study of the river and river conditions and recites his experiences and the knowledge he has obtained. He shows that the all-levee system is a failure, urges a system of spillways and protection for the riparian landowners on the east bank of the Mississippi River, where no levees have been constructed and whose lands are practically yearly overflowed.

The article will be of interest to the people of this section and to authorities throughout the country, as it applies to the territory between Memphis and the mouth of the Mississippi:

ANOTHER SIDE TO THE MISSISSIPPI RIVER LEVEE QUESTION—THE OUTSIDE

In the great waste of words which has flowed by reason of the flood disaster in the Mississippi River will you not allow this communication a deliverance through the channel of your columns? Not because of any hope that it will have a present-day effect or influence; but in after years when the columns of your paper shall be searched some seeker after truth will read this communication and say, "Lo, another Saul stood among the prophets, but they knew him not." Then will come my reward though I be not here to enjoy it.

If this article shall be printed (which is hoped), and if it shall come to the attention of those directly concerned (which is problematical), it will be received with different emotions and produce widely differing reactions. By the river engineers and their satellites it will be dismissed with derision and contempt as being the opinion of a "layman" and hence unworthy of attention. Their mental attitude seems to be: "We are the people and wisdom dies with us." By the levee contractors and the attendant horde of parasites its facts will be disputed and its conclusions bitterly denied. Their slogan being: "We who make our living off the levees must stand by the levees." But it may perchance fall under the observation of the average well-informed taxpayer in the North, East, and West, or that portion of the South which is not the direct beneficiary of the levee so-called system. It may cause such a one to wonder why, after 48 years of governmental trial and supervision, the latter end of the levee system is worse than its beginning. After an admitted expenditure by the Mississippi River Commission (not including the present flood) of \$92,783,645.50 for navigation, he may ask himself the question: "What benefit has been received, directly or indirectly, from such a vast outlay of money?" After an expenditure for protection or flood control of \$81,686,285.56, the inquiry

may occur to him to ascertain to what state of perfection this vaunted "flood control" has reached.

It will be recalled that when the Mississippi River Commission was first established in 1879 it was with the distinct inhibition that "no money should be expended for protecting private property." The purpose of the Mississippi River Commission, its only purpose, was for the "improvement of the navigation of the Mississippi River." What has been the effect to this date of this "improvement of navigation"? Let the facts speak for themselves. Not the theories of engineers. Not the statements of levee contractors, but the facts of the record itself in its present visible condition. This stream, the "Father of Waters," upon whose bosom floated a commerce unequalled, a passenger traffic the like of which was never known, in palatial steamers almost beyond compare, has now, since the Mississippi River Commission undertook its improvement, found "all its future course bound to shallows and to miseries." In any ordinary low water there are shallow places in the Mississippi River between Vicksburg and Baton Rouge where the cautious pilot has trouble crossing with a light-draft steamer. One such point may be found in front of what is known as Buena Vista or Spit Head Island, just south of Kemp Bend Levee, the breaking of which at this writing is momentarily feared. Another point is approximately 3 miles below Natchez. These two places are specifically mentioned so that any investigating committee of Congress, can, by inquiring of any river pilot, ascertain the accuracy of the assertion. What says the engineers? Is it a mere fallacy, the opinion of a layman, that the bed of the Mississippi River has been raised by the deposit of sediment? The atrocious crime of being a "layman," I shall neither deny, nor attempt to palliate, but shall content myself with the hope that I am one of those who, after a personal experience and knowledge of river conditions for a half century, possess human intelligence sufficient to know that if the stream, upon which at one time the navies of the world could float in safety, has now become so shallow that it can almost be waded, one of two things has happened: Either the bottom of the stream has raised, or the top of the water has lowered. In either event the result is the same.

The river is now, in average low water, not navigable throughout its entire length except for vessels of different kinds of very shallow draft. This, however, of itself, is not important; for while the navigation has not been improved, the traffic on the river has itself become practically abolished. Consult, if you please, the maritime column of any daily paper—your own—dealing with vessels on the Mississippi River, and you will find at this writing that between Cairo and New Orleans, a distance of practically 1,700 miles, there are, exclusive of boats now engaged in rescue work, only 12 barges or tugs transporting freight, and two stern-wheel boats carrying local freight and passengers, if any! What a sorry spectacle this is as the result of the "improvement of navigation" and the increase of transportation to the citizens who, living on the banks of the Mississippi, can remember the stately *Lee*, the swift *Natchez*, the beautiful *Pargoud*, and other steamboats of that class and kind! "But," says the engineers, "this is a layman's opinion, and not only has navigation been improved, but the railroads have destroyed the transportation." We note that even now many beautiful steamers, filled with passengers, ply upon the Hudson, though railroads are far more numerous in that prosperous section. But, enough. What has caused the decrease in transportation or, properly speaking, traffic is immaterial. The fact is that the navigation of the river has been made more difficult by either the lowering of the water level or the raising of the river bed. In 1913 the river commission reported that the idea of the river bed being raised was the outcome of a similar error with reference to the river Po, in Italy, an error which the Mississippi River Commission proclaimed had been dissipated for several hundred years. With due deference we would refer to the last edition of the *Encyclopedia Britannica*, to the articles on the rivers Po, Hwang Ho, Piave, and Mississippi, where the statement is expressly made that the beds of these streams are being raised above the level of the surrounding country by the construction and attempted maintenance of levees. We cite this not that we have the temerity to dispute the conclusion of the engineers of the Mississippi River Commission, but so that the public generally may understand what an inaccurate and unauthorized work the great *Encyclopedia Britannica* is, so that it may no longer be accepted as the final word upon questions of information generally.

Having successfully (?), by the levee system, improved the navigation of the Mississippi River until there is very little traffic and still less navigation, the idea upon which was based the necessity for the existence and continuance of the levee system was suddenly shifted from "improvement of navigation" to "protection from flood," a deliberate and direct about face. At the outset, prohibited from building levees for the protection of private property, now, basing their claim to continued existence and operations upon the necessity of protecting private property from flood damage. Consistency is a long-famed jewel, but it, like the *Encyclopedia Britannica*, must be cast aside should it run counter to the decisions or purpose of the engineers and the beneficiaries of the levee system.

Having decided, and persuaded the Congress to decide, that "flood control" should take the place of "improvement of navigation," forthwith the slogan became "More levees and bigger levees," and this we still hear from every engineer connected with the river service, repeated o'er and o'er again amid the thunder of breaking levees and the rush of flooding waters.

Even before the vaunted levees have ceased to crumble, without definite knowledge of the extent of damage, without investigation of changed conditions, a pronouncement of the future policy is stated, "More levees and bigger levees." The syllables sonorously sound and every little "Blanche and Tray and Sweetheart" barks in unison.

If the further prosecution of the work along the Mississippi River be left to the engineers alone, then year by year the taxpayers will see a continuing effort in this direction, and in this direction alone. "More levees and bigger levees." How many more levees? How much bigger levees? Remember that the standard grade of levees tentatively declared by the Mississippi River Commission prior to 1893 was 48 feet on the gauge at Vicksburg. About 1912, after that flood, the standard was raised to 52 feet. The flood in 1927, despite the ruinous crevasses, went above 58 feet. The Mississippi River Commission has not, and we dare assert will not, venture to fix a minimum to which it may be necessary to raise the levees unless other means be also adopted.

"More levees and bigger levees" is the united slogan of the engineers and levee contractors. "More levees and bigger levees" means more contracts, more money to be paid to contractors, more money to be spent by taxpayers, more burdens to be imposed upon landowners and citizens generally, and no more protection. However, this slogan is no longer received with unanimity even by those who have been the chief beneficiaries of the levee system (not including the engineers and contractors). Already there is a discord in the harmony. Some of the more thoughtful leaders who live behind the levees, being neither engineers, contractors, nor politicians, view the future with alarm by reason of the experience of the past and fear that "More levees and bigger levees" of themselves mean simply more taxes, more backwater, more impoverishment of soil, and heavier burdens to bear. So they are groping for some other either complete or supplemental solution of the problem.

The thoughtful taxpayers understand that the building of "More levees and bigger levees" means heavy additional expenditures of money, and they wonder where the necessary funds are to be procured, not from the individual landowners, because already the ad valorem and levee taxes in every levee district are burdensome to the highest figure. Not by bond issues, because the fiscal records show that every levee district is already bonded almost, if not quite, to the point of saturation. The cost of building and maintaining levees has imposed burdens not only upon the living but upon generations yet unborn. No source, therefore, remains from which funds can be secured except the National Government. It is safe to say that if the suggested project of setting the levees farther back from the river banks so as to give a wider channel be adopted, thus necessitating a new line of levees that neither the States nor the levee districts will be able to assume the financial obligation. With the question of whether the National Government will now take over the construction and maintenance of the levees for the protection of individual property, those people living on the east bank of the river are concerned no further than the bare expectation of also receiving similar protection.

Therefore, if there be discord among those who live behind the levees as to the ultimate benefit of a system of levees alone, what must be the mental attitude of those who live and own lands on the river front, but in a section which has borne the burdens of the levee system with none of even its transitory benefits?

Even to the well-informed citizen living any distance from the levees in States not adjacent to the Mississippi River the term "levee" conjures up the idea of a ridge of dirt paralleling the banks of the Mississippi River on each side. Such is far from the truth. From Sloughs Landing, above Memphis, on the east bank of the Mississippi River, to approximately the Tennessee-Mississippi State line, a distance of 200 miles, and from Vicksburg to Baton Rouge, also on the east side of the Mississippi River, through the States of Mississippi and Louisiana, a distance of approximately 250 miles, the engineers have adopted the foothills of Tennessee, Mississippi, and Louisiana as the levees on the east bank of the river. Speaking solely for that territory lying between Natchez and Vicksburg let us be pardoned if we briefly recite the condition to which the ill-fated levee system has brought us.

Before any governmental levees were built the land on the Mississippi side, from Vicksburg south, was from 7 to 14 feet higher than the land on the Louisiana side. Before the levees were built this entire section was fertile plantations, prosperous settlements, happy homes, and thriving towns. Here the adventurous English, the Spanish, and pioneers from the Colonies found an asylum. Here virile Americans from the forests primeval carved their homes. Here stately mansions reigned over fertile fields. Here civilization in the great Southwest found its first abiding place. Here floods were unknown save in epochal years such as 1797, 1844, 1884, and 1893. But now, under the ruinous levee system, what is the condition? Where the city of Grand Gulf was once

located is now on the opposite side of the Mississippi River. The town of Rodney, which once nestled on the very bank of the river, is now 6 miles inland. Where plantations were, caving banks are found, and at other places long and barren sand bars jut out into the stream and impede and almost prevent navigation. Here in this naturally favored section floods now are of almost yearly occurrence, and no man can be sure at the commencement of a crop season that even the land itself may not be caved into the river before the fruits of his toil are harvested. Here fertile plantations have gone back, not to the primeval forests, but to briars and brambles and jungle and undergrowth, and here upon the sites where stately mansions once stood is but the debris from the ravages of floods.

But let their own records publish the truth of the vast changes in the river bed and banks. Contrast chart No. 53 of the Mississippi River Commission, made in 1878-1880, with the current "field sheets" covering the same stretch of river, and see "what wonders" the levee system "hath wrought."

When it was the theory of the Mississippi River Commission that the levees would "improve the navigation of the stream," this section from Vicksburg to Baton Rouge vainly appeared before the appropriate committees in the United States Congress and vainly plead that if the navigation was to be improved it should be improved throughout the length of the stream, and that no stream would be navigable if 258 miles of its front were left unimproved and unnavigable. The Mississippi River Commission, when the beloved Judge Taylor adorned that body, recognized justice of the claim and prepared a memorial which set forth the injustice, the damage, which was inflicted upon the rightful owners and the devastation which had been dealt by a governmental agency itself by appropriating these lands as a part of the levee system. Vain, all in vain. The so-distant statesmen whose electorate lived behind the levees, the engineers themselves, knew the maintenance of the levee system an impossibility, turned deaf ears to all appeals for protection or compensation.

While, therefore, the levee system to this date has been a failure in "improving navigation" of the stream, has been a failure in assisting traffic upon the stream, has been a failure in protecting people behind the levee, it has been an absolute success in bringing want and ruin to the landowners on a frontage of 258 miles of the river. We dare affirm that there is no well-informed man who will to-day assert that the levee system is a success. Of course, if this were but the expression of opinion of a poor and ignorant layman, such as the writer, it would receive no attention, even did it merit consideration. But fortunately, there is other foundation than that. We quote from Col. John R. Fordyce, of the United States Army, an engineer of eminence, who was a major in the Engineer Corps during the World War and was the builder of Camp Pike and other places.

This engineer says: "It must be evident to the dumbest human being that the levee system has failed." We believe that this language, so exactly quoted, is sufficiently broad to include even the engineers and the levee contractors and their parasites. Other engineers, well-informed journalists, men of standing and observation, have now practically agreed that a system of levees alone is not sufficient.

"More levees and bigger levees" is the slogan of the river engineers. How many more levees? The entire river front of the Mississippi River (with slight exceptions rendered necessary by large inflowing streams) is leveed from Cairo for 1,800 miles south on both sides of the river save where the foothills on the eastern bank of the stream have been adopted as the only immutable levees yet built, and they by Divine skill.

How much bigger levees? Not long since, speaking on the subject of bigger levees, a writer in the New York Herald Tribune said: "After the floods in 1922 the citizens of New Orleans 'awakened,' as one of their Congressmen put it, to the most appalling situation that has presented itself in a long while, declared that they had already built their levees to the maximum height admitted by the character of the foundation soil, and yet felt they had no assurance against the river's overtopping them in another big rise." An apprehension which was well founded, for in five years thereafter, after the Mississippi River Commission had again established a grade, the city of New Orleans at this moment is trembling with anxiety although the strong hand of law has been invoked to make an "artificial crevasse" in what appears to be one of the few sound levees on the river. The engineers having built a levee must now destroy it to save New Orleans from the effect of their own engineering skill.

"The King of France with twice ten thousand men
Marched up the hill, and then marched down again."

Alice in Wonderland could scarcely rival this.

Again says the writer quoted: "It is impossible accurately to calculate the height which would be necessary at time of maximum high water to restrain the river, supposing that it and its tributaries were completely leveed and that there were no breaks. The engineers can not be certain that when all the levees are built up to the present 'standard grade,' a rise may not come along which will 'overtop' them." These words written just before the disastrous crevasse oc-

curred are most prophetic of the wisdom and foresight of the writer, Mr. Walter Millis.

So the question recurs, if "more levees and bigger levees" be the ultimate of the engineering skill, where can you build any "more" levees, and how much larger are the "bigger" levees to be? In the territory of New Orleans, so this Congressman has said, the burden upon the soft "made-land" is already as much as it will stand without sinking of its own weight. Hence in that locality at least "bigger levees" can not be built and "more levees" are not needed. Nor can "more levees" be built in the Mississippi Delta. There were levees which immediately before this flood were proudly boasted to be 4 to 6 feet "above standard," and yet broke in their supposedly soundest part. What "more levees" can be built than one which extends from the high ground at Memphis to the mouth of the Yazoo River? Assuming, however, that "more levees" could be built and that "bigger levees" could be maintained, what must be the ultimate result unless this levee system extends to the tributaries and to the tributaries of the tributaries? Take the Mississippi Delta and look at one of the soil maps issued by the Department of Agriculture of the State of Mississippi in 1924. See how the Yazoo River runs practically north and south, starting with its confluent tributaries near the top of the Mississippi Delta, skirting the foothills to its confluence with the Mississippi River above Vicksburg. Look at the innumerable tributaries of that stream upon which clusters the little towns and the fertile plantations, all subject to overflow either from the backwater of the Mississippi River or from the rain water and surface water of the territory drained by its tributaries. To levee the Mississippi River carries with it either the flooding of the lands through the tributaries by the backwater from the main stream, or the leveeing also of the tributaries themselves, and so on ad libitum, ad infinitum.

While vociferously protesting their adherence to an implicit confidence in the "more levees and bigger levees" theory, in point of truth have not the levee engineers themselves acknowledged the levee plan alone to be a failure? If levees alone were a success, there would be no necessity for artificial outlets to be made below New Orleans or elsewhere. The acknowledgement of the levee engineers that it was necessary for the protection of New Orleans to destroy their own handiwork by creating spillways speaks more loudly than their verbal protestations. Can not the matter be fairly stated in this form? Is any outlet necessary? The engineers themselves answer, "Yes," and themselves create an outlet. If one outlet be beneficial, would not two outlets be more beneficial? The answer is "Yes," and the engineers themselves have created three separate outlets below New Orleans. If outlets be necessary to relieve the pressure on the levee and two outlets be better than one outlet, would not a sufficient number of outlets properly located relieve all pressure of the flood? There can be but one answer to the last inquiry, but that answer the engineers refuse to give.

After 30 years, like the sinner in the hymn, the people on the east bank of the Mississippi River in the territory mentioned, "as on through the darkness they wandered, not a ray of light could they see," until in the last few days the president of the Mississippi River Commission is quoted as saying that "Levees stronger, higher, and farther back from the river banks to give the river more space will be recommended to Congress"; and "It might be necessary to make a new mouth for the Mississippi below New Orleans to let the water out faster into the Gulf of Mexico." This announcement, if the president of the commission be accurately quoted, gives a gleam of hope like the rainbow which shone upon the Biblical flood to those who live behind the levees as well as those whose cause is here presented and who have been destroyed by the levees.

"Build the levees farther back from the stream so as to give more space for the water." Bear in mind again that the levees upon the Mississippi River are not built on the bank of the stream. In many instances they are already some distance back, and in several instances, such as the levee at Millikens Bend, Villa Clara, and other points, there has within recent years been built and rebuilt each time farther back from the river not less than three separate lines of levees. The levees are built back from the river, and the river caves back to the levee. The levee is built back farther, fertile plowed lands are thrown out, and these dissolve like the foundation of the house built upon sand. Build the levees farther back from the river, and what becomes of Friars Point, Rosedale, Greenville, and of the other fair cities which are now almost lapped by the waters of the stream? Also remember how much space the waters of the Mississippi River now have between the foothills on the Mississippi side and the levees on the Louisiana side. Take the break at Winter Quarters or Hard Times. What width of channel had the river at that place? How many miles was there covered level with the surface of the stream extending from the levee which crumbled to the everlasting hills of God? Over land and property which the Government has, without compensation, appropriated as a part of the levee system? From Vicksburg south, in time of flood such as the present, even where the levees stand, the Mississippi River has unimpeded sweep for a width rarely less than 3 miles and in many places more than 20! At this writing, in this county, there are fertile lands, which were in cultivation, now under 14 feet of water, covered by the direct stream from the Mississippi River not less than 15 to 20

miles from the real bank of the stream. So that on the east bank of the river the levees can not be put back; and if they be moved on the opposite side, the towns will themselves be left out to the mercy of the waters.

This being true, and every statement herein can be demonstrated by any impartial "layman" of average human intelligence who will make a personal inspection of the river, its beds, and its banks—this being true, what then is the remedy, if any? Upon this territory the writer ventures with fear and trembling. Fools rush in where even some engineers fear to tread. Of course, the ideal solution would be abolition of levees, save only now, as a sop to Cerberus, because of established conditions, levees to protect the towns which are already built. Then, if this were possible, the annual inundation could come and go, leaving its fertilizing sediment upon the lands, renewing their verdure and strength with each spring. Coming as gently as does the dew from heaven upon the place beneath. Bringing no ruin, no want, no waste, no desolation. Coming and going in time for planting, and each crop raised by the fertilizing effect of the soil deposited on the lands. The annual overflow being complete before February 1 and leaving before May 1. Whereas cotton can be safely planted until June 1, and corn some weeks later. Then, indeed, would the lands of the Mississippi River rival and exceed the boasted Nile, and the annual inundation of the river would be welcomed with thanksgiving instead of being dreaded as an avenging power. We recognize that so absolute a remedy is now, under existing conditions, impossible. Because of the investment of property, houses and residences now built upon the faith of the levees. Another and more insuperable objection is that if you build no levees the engineers and contractors would have no jobs. Therefore levees are inevitable and will be continued.

What, then, is even a partial remedy? Undoubtedly that which was established by nature itself, or by nature's god: That of outlets or spillways. So that when the river reaches a certain stage the water flows off through already prepared outlets for that purpose.

But where should the outlets, spillways, "new mouths" be located? What engineering skill could choose the best location? They have already been chosen by the Supreme Architect and the only All-Wise Engineer of the world. (No reflection is intended upon the levee engineers by this statement.) "The Lord sitteth upon the flood; yea, the Lord sitteth a king forever." Where are these outlets? This article does not attempt to deal with conditions above Memphis. South of Memphis the outlets or natural reservoirs are well known and were established and operative with beneficial effect in reducing or preventing floods before the United States had control of this territory. The first outlet or reservoir was the St. Francis Basin in Arkansas. The second outlet is the Atchafalaya. The third outlet is the Iberville River on the east bank below Baton Rouge. The fourth outlet is the La Fourche, and then an innumerable number of shoal streams below New Orleans, too shallow to be of any great benefit. Of course, the higher up the stream the spillway, the greater the benefit. Four "new mouths" for the Mississippi "to let the water out faster into the Gulf."

It will be of interest to know that as long as the St. Francis Basin was open as a reservoir or spillway the strain upon the levees then existing was small. Notwithstanding levees elsewhere, even the flood upon the outlying land subsided in time generally for the crops to be planted. Taking ancient history as our guide, the most available (may we say God-made?) outlet south of Baton Rouge is that of the Iberville River into Lake Maurepas, thence through Lake Pontchartrain into the Gulf. This was a navigable stream during the British occupancy, and through it was transported much of the freight of the earlier days to Mobile, and thus diverted from New Orleans. The provincial records of this section will show that by an expenditure of less than £2,000, represented by the labor of 50 slaves for six months, the Iberville River was cleared of debris and all accumulations and became a stream capable of navigation both to and from the Mississippi Sound and the Gulf of Mexico.

As the result of the opening of this stream, on one occasion, the British records show, "the water fell 26 feet in three days." The Atchafalaya carried off an even greater volume. The records further show that the Iberville was used as a route for travel by small vessels until many years after the United States acquired Louisiana.

So much for the effect of outlets when given a fair chance to operate. And these outlets were not leveed and, having a more rapid flow, did not silt up as badly as does the Mississippi River itself at its mouth and at other points along its course.

We submit, therefore, that the all-levee system is predestined to failure, and incident to failure is bankruptcy to those who live behind the levee and ruin and desolation to those who live outside of the levees.

We living on the east bank of the Mississippi River are not combating any movement which may be determined upon for the best interests of the country at large. We only ask for even-handed justice. If the levees-alone system be continued and the foothills which bound our lands be adopted as a part of the levee system, we ask that the property so appropriated for public use be condemned and paid for. If the outlet system be adopted, we ask that an equal immunity from overflows shall

be accorded to our lands, or that they shall be paid for if appropriated by the Government. If the National Government assumes the construction and maintenance of the levee system throughout the entire Mississippi Valley, we ask that our lands either be protected or, if used for public purposes, be paid for at a fair value. We seek no alms. We ask no exorbitant price. We share in no graft. We want justice. Nothing more. We do say, and we earnestly insist, however, that if our lands are to be appropriated as a part of the river bed, so as to render possible the even remote chance of maintaining the levee system intact, that a great and paternal Government should not take our lands, our property, and appropriate it for the public good without making due compensation therefor. We ask only calm consideration of our cause and its adjudication at the bar of public justice; for an announcement that we as well as all other citizens of our great Government are entitled to equal rights and equal protection, and that no private property should be taken for public use without due compensation made. We appeal to the conscience of public opinion, knowing full well no help will come from the river engineers. If left to their sole and uncontrolled decision, their esprit de corps will dictate "More levees and bigger levees," and the public be damned. "Ephraim is joined to his idols. Let him alone."

But hope springs eternal. While the waters designed to be a helpful servant have by improper handling been changed into a destroying monster, and while over the wastes of desolation the pronouncement of the engineers, the chorus of the levee contractors, and the orotund echoes of near-statement with cavernous vacuity of original ideas, still proclaim that "more levees and bigger levees" is the only solution, yet the still small voice of common sense is being broadcast through the editorial columns of the great newspapers and is making an impress upon the reason of the people at large. That voice utters a truth not to be disputed in the light of experience and the present catastrophe. The solution is "fewer levees and bigger spillways."

It may be that this article has a tinge of bitterness. If so, we pray you pardon it. It is not so intended. Certainly, not toward the burdened taxpayers or the suffering tenantry, whose joint misery we also share. Although it would be excusable if slight resentment be felt toward some politicians and officeholders who, "clothed with a little brief authority," have upon occasion thoroughly justified the Shakespearean statement: "Still, naught has been set down in malice." Remember, that our lands by nature are higher and safer from flood than those which have been protected.

Remember, that for 30 years through organized committees the residents and landowners on the east bank of the river vainly protested against building levees elsewhere which were destroying their lands and property. Remember, that for the last 15 years and more this same people have appeared on divers and sundry occasions before the Mississippi River Commission and before the proper committees in both Houses of Congress and asked for either protection or compensation for the lands which the Government has appropriated to public use. Complaints and pleas alike proved unavailing. So now we make this final plea to the bar of public conscience. If it be found necessary to take our private property and devote it to the general welfare, we shall not complain and ask only for its value. We do, however, protest against being sacrificed to make a Delta holiday.

Prepared on behalf of the riparian landowners on the east of the Mississippi River.

JEFF TRULY, *Fayette, Miss.*

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar, under Rule VIII, is in order for the consideration of unobjected bills.

NAMING OF HIGHWAYS

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as first in order.

Mr. BLAINE. Let that bill go over.

Mr. McNARY. Mr. President, that bill has been on the calendar for about five weeks. I am just curious enough to know at this time who made the objection to its consideration.

The VICE PRESIDENT. The Senator from Wisconsin [Mr. BLAINE] made the objection.

Mr. BLAINE. Mr. President, I would be very glad to take the matter up with the Senator from Oregon at any time at his convenience.

Mr. McNARY. Very well.

The VICE PRESIDENT. Being objected to, the bill will go over.

DEVELOPMENT OF AGRICULTURAL EXTENSION WORK

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts

supplementary thereto, and the United States Department of Agriculture was announced as next in order.

Mr. SMOOT. Mr. President, the last time the bill was called on the calendar I asked the Senator from Kansas [Mr. CAPPER], who introduced the measure, whether he had received certain information as to the bill, and he then asked that it go over in order, as I understand, that the information might be obtained.

Mr. CAPPER. I again ask that the bill may go over.

Mr. McNARY. Mr. President, in discussing the matter with the Senator from Kansas [Mr. CAPPER] this morning we agreed that a meeting of the Committee on Agriculture and Forestry should be called for to-morrow to consider a certain amendment to the bill to be offered by the Senator from Delaware [Mr. BAYARD], and pending the execution of that understanding I think the bill should go over without prejudice for to-day.

The VICE PRESIDENT. The bill will be passed over without prejudice.

FALSE INFORMATION REGARDING CRIMES IN THE DISTRICT

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

Mr. BLEASE. Mr. President, I notice that on yesterday by an overwhelming vote the House of Representatives defeated a bill similar to this, and I move that this bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, the bill will be indefinitely postponed.

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of this bill.

Mr. GILLETT rose.

Mr. KING. Reserving the right to object, if the Senator from Massachusetts desires to explain the bill, I shall be glad to have him do so.

Mr. GILLETT. Mr. President, the Senator from Delaware [Mr. BAYARD] made the report on the bill, and I suggest that he explain it.

Mr. KING. Until we can have more time for the consideration of the bill, I object.

The VICE PRESIDENT. The bill goes over under objection.

BILLS PASSED OVER

The bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2524) for the relief of Josephine Doxey was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. SMOOT. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, was announced as next in order.

Mr. KING. That bill is the unfinished business. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

CITY OF NEW YORK

The bill (S. 459) for the relief of the city of New York was considered as in Committee of the Whole. It proposes to pay to the city of New York \$764,143.75, expended by that city in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops employed in aiding to suppress the insurrection against the United States in 1861 to 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND RESOLUTION PASSED OVER

The bill (S. 2720) for the relief of David McD. Shearer was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

Mr. KING. I should like an explanation of that bill.

Mr. SHEPPARD. Mr. President, as I understand, the senior Senator from Utah [Mr. Smoot] objects to the consideration of the bill.

Mr. KING. Very well.

The VICE PRESIDENT. Being objected to, the bill will go over.

The resolution (S. Res. 109) creating a committee of the Senate to investigate the sinking of the submarine *S-4* was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over. The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, it will take some time to discuss that bill and under the five-minute rule we should not be able to complete it. I suggest that the bill ought to be passed over for the present.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia was announced as next in order.

Mr. BLEASE. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 132) to authorize the President to appoint Le Roy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. SHORTRIDGE. Mr. President, I ask that Orders of Business 175, 176, 184, and 268 being, respectively, Senate bills 132, 2053, 141, and 133, go over, promising that at the next call of the calendar I shall undertake the perhaps impossible task of securing the passage of these bills notwithstanding the adverse reports. It may be an impossible task, but I shall undertake to perform it.

The VICE PRESIDENT. These bills will be passed over.

The bill (S. 2053) to establish a military record for Daniel P. Tafe was announced as next in order.

Mr. SHORTRIDGE. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1736) for the relief of Charles Caudwell was announced as next in order.

Mr. KING. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 141) for the relief of Felix Medler was announced as next in order.

Mr. SHORTRIDGE. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. WILLIS. Mr. President, I have promised a number of Senators that that bill and the measure accompanying it relating to the same subject further along on the calendar will be considered some day when all the Senators can be present. Obviously these bills can not be considered satisfactorily under the five-minute rule; so I think, with that explanation, the bill should go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black, was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

WALTER W. JOHNSTON

The bill (S. 2711) for the relief of Walter W. Johnston was announced as next in order.

Mr. FLETCHER. Mr. President, I should be glad to have the Senator from Mississippi [Mr. STEPHENS], who made the report on that bill, state the facts about it.

Mr. SMOOT. I ask that the bill go over.

Mr. STEPHENS. Mr. President—

The VICE PRESIDENT. The bill will go over under objection.

Mr. STEPHENS. Mr. President, will the Senator from Utah [Mr. Smoot] withhold his objection for a moment?

Mr. SMOOT. I should not want the bill to be passed carrying an appropriation of \$15,000 without some explanation. I find nothing in the report to justify paying the sum of \$15,000 for the purposes for which the bill was introduced. I desire to have more information than I now have before I am willing to vote to make an appropriation of this kind at all, I will say to

the Senator from Mississippi, and therefore I ask that it go over.

Mr. STEPHENS. Mr. President, I should like to say to the Senator from Utah, if he will withhold the objection for just a moment, that I have before me a letter dated January 6, 1928, addressed to the chairman of the Committee on Claims of the House of Representatives signed by E. C. Plummer, chairman of the standing committee on claims of the Shipping Board, and in that letter Mr. Plummer says:

Mr. Johnston claims compensation for certain ship-launching devices which admittedly were used for the benefit of certain ships being built by the Government.

The only reason why he was not paid was because there was no written contract. The matter was referred to the Committee on Claims of the Senate in order to adjudicate the equity in this matter. It is the testimony that Mr. Johnston was really promised the sum of \$50,000. Various estimates have been placed upon the value of his work ranging from \$20,000 to \$50,000. Various estimates also have been placed upon the value of his services if he had been employed by the year ranging from \$12,000 to \$15,000 a year. It is stated that he saved as much as \$5,000 per ship by the use of the device which he had invented and also by giving his personal services. The committee went into this question very carefully at the last session of Congress and again at this session.

Mr. SMOOT. Can the Senator tell me why there is not any report here from the Shipping Board on it?

Mr. STEPHENS. There is a report here—at least it is said that the matter came before the Shipping Board. Chairman Hurley sent this man down to do this work; that is unquestioned and undenied. Then it was suggested to Mr. Johnston later that an attorney be employed and the matter be presented. The matter was finally presented to the Shipping Board, and, as I said a moment ago, because of the fact that a written contract had not been entered into, the board very properly held that it could not authorize the payment and could not compensate this man for his services and for the value of his device used in connection with the launching of ships. Mr. Plummer, as I said a moment ago, says that this device was admittedly used for the benefit of the Government in connection with the launching of certain ships. As a matter of fact, there was sufficient testimony before the committee to justify the granting of a larger amount than is provided in the bill; but some placed the amount lower than others, and for that reason the committee decided that \$15,000 should be allowed. There were several members of the committee, however, who wanted to grant Mr. Johnston a larger sum. I think it is a very meritorious claim, and every member of the committee felt that way about it. There was not a dissenting voice.

Mr. SMOOT. Mr. President, I can not understand why the committee did not send to the Shipping Board and request a report upon this bill. I will say to the Senator that I myself will write to the Shipping Board and ascertain what they have to say in relation to the claim. If their answer shall be favorable, I will have nothing whatsoever to say in opposition to the passage of the bill hereafter, but I do want the bill to go over at this time.

Mr. McNARY. Mr. President, regular order.

Mr. FLETCHER. My understanding is that when the bill was last called on the calendar it went over because it was desired to secure a report from the Shipping Board, and that such a report has since been received.

Mr. SMOOT. No; the Senator is mistaken about that.

Mr. FLETCHER. The bill went over because of the absence of a report from the Shipping Board. Now, it seems that we have such a report. It is not in the written report filed by the committee on the bill, but the Senator from Mississippi [Mr. STEPHENS] has referred to a communication from Mr. Plummer, who is chairman of the claims committee of the Shipping Board, and which he has before him.

Mr. SMOOT. I will assure the Senator that to-day I will write a letter to the Shipping Board in regard to the bill.

Mr. FLETCHER. I will be glad if the Senator will do so, because if the claimant is entitled to the money he ought to be paid, whether the amount involved is \$15,000 or \$5,000.

Mr. STEPHENS. Mr. President, I call the attention of the Senator from Utah to page 2 of the report, where there is a reference to the report from the standing committee on claims of the Shipping Board. It is stated there that it is not a legal claim, because of the fact that a written contract was not entered into and, perhaps, that the agent of the Government had no right to enter into such a contract. But Mr. Johnston was sent by the chairman of the Shipping Board, Mr. Hurley, to do the work and he did do it; there is no question of that.

Mr. SMOOT. Perhaps I did not explain myself in sufficient detail. If the Senator wants to refer to that report, the board states that it is not a valid claim.

Mr. STEPHENS. I agree to that.

Mr. SMOOT. And the board does not recommend its payment. However, what I wanted to find out from the Shipping Board was whether there was a moral claim on the part of this claimant. If there is a moral claim for the amount, then I shall have no further objection. For the present I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT TO THE CONSTITUTION—PROHIBITION OF WAR

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

Mr. SHORTRIDGE. I ask that the joint resolution go over.

Mr. HEFLIN. Mr. President, reserving the right to object—
The PRESIDENT pro tempore. The joint resolution has already been objected to by the Senator from California and will go over.

KENNETH B. TURNER

The bill (S. 133) for the relief of Kenneth B. Turner was announced as next in order.

Mr. HEFLIN. Mr. President, reserving the right to object—

Mr. WILLIS. Mr. President, that is one of the bills that the Senator from California [Mr. SHORTRIDGE] requested to go over.

Mr. SHORTRIDGE. That is one of the measures which I requested to have passed over.

The PRESIDENT pro tempore. The bill will be passed over under objection of the Senator from California.

NORTHERN JUDICIAL DISTRICT, OKLAHOMA

The bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State was announced as next in order.

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

[Mr. HEFLIN'S remarks appear elsewhere in to-day's RECORD.]

Mr. WILLIS. Mr. President, is House bill 7011 under consideration?

The PRESIDENT pro tempore. It is.

Mr. WILLIS. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

STANDARDS FOR HAMPERS, BASKETS, ETC.

The bill (S. 2148) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the standard hampers and round-stave baskets for fruits and vegetables shall be of the following capacities: One-eighth bushel, one-fourth bushel, one-half bushel, three-fourths bushel, 1 bushel, 1½ bushels, 1½ bushels, and 2 bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this act a bushel, standard dry measure, has a capacity of 2,150.42 cubic inches.

(a) The standard ⅛-bushel hamper or round-stave basket shall contain 268.8 cubic inches.

(b) The standard ¼-bushel hamper or round-stave basket shall contain 537.6 cubic inches.

(c) The standard ½-bushel hamper or round-stave basket shall contain 1,075.21 cubic inches.

(d) The standard ¾-bushel hamper or round-stave basket shall contain 1,612.8 cubic inches.

(e) The standard 1-bushel hamper or round-stave basket shall contain 2,150.42 cubic inches.

(f) The standard 1¼-bushel hamper or round-stave basket shall contain 2,688 cubic inches.

(g) The standard 1½-bushel hamper or round-stave basket shall contain 3,225.63 cubic inches.

(h) The standard 2-bushel hamper or round-stave basket shall contain 4,300.84 cubic inches.

SEC. 2. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, 24-quart basket, and 32-quart basket, standard dry measure. For the purposes of this act a quart-standard dry measure has a capacity of 67.2 cubic inches.

(a) The 4-quart splint basket shall contain 268.8 cubic inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches.

(c) The 12-quart splint basket shall contain 806.4 cubic inches.

(d) The 16-quart splint basket shall contain 1,075.21 cubic inches.

(e) The 24-quart splint basket shall contain 1,612.8 cubic inches.

(f) The 32-quart splint basket shall contain 2,150.42 cubic inches.

SEC. 3. That the Secretary of Agriculture shall in his regulations under this act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round-stave baskets, and splint baskets set forth in sections 1 and 2 of this act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor.

SEC. 4. That no manufacturer shall manufacture hampers, round-stave baskets, or splint baskets for fruits and vegetables unless the dimension specifications for such hampers, round-stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round-stave baskets, or splint baskets for fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this act.

SEC. 5. That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, or to ship, hampers, round-stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round-stave baskets, or splint baskets that do not comply with this act: *Provided*, That this act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the act approved August 31, 1916, entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 U. S. Stat. L. 673), and the regulations thereunder. Any individual, partnership, association, or corporation that violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500: *Provided further*, That no person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round-stave baskets, or splint baskets, as defined in this act, were purchased, to the effect that said hampers, round-stave baskets, or splint baskets are correct, within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round-stave baskets, or splint baskets to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this act to the person who made the purchase.

SEC. 6. That any hamper, round-stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round-stave baskets, or splint baskets not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold, or shipped, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round-stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit and in the name of the United States.

SEC. 7. That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round-stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

SEC. 8. That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prose-

uted in the proper courts of the United States in his district for the enforcement of the provisions of this act.

SEC. 9. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round-stave baskets, and splint baskets, or parts thereof, subject to this act, meet its requirements; and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

SEC. 10. That for carrying out the purposes of this act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 11. That sections 5 and 6 of this act shall become effective at but not before the expiration of one year following the 1st day of November, next, succeeding the passage of this act.

Mr. McNARY obtained the floor.

Mr. HEFLIN. Mr. President, reserving the right to object—

The PRESIDENT pro tempore. The Senator from Oregon has been recognized.

Mr. McNARY. Mr. President, this bill has been reported favorably from the Senate Committee on Agriculture and Forestry at this session and at the last session of the Congress. It developed earlier in the session that there was objection to one provision from the Senator from Delaware [Mr. BAYARD], the Senator from Maryland [Mr. BRUCE], and the Senator from New Jersey [Mr. EDGE], because it attempted to abolish the five-eighths hamper. After considering the matter very carefully, I have come to the conclusion that it would be wrong to confiscate a container which for many years has shown its adaptability to the States so well represented by the Senators whose names I have just mentioned; and, as chairman of the committee, as far as I can, I am going to accept an amendment which will be proposed by the Senator from New Jersey which I hope will be acceptable to the other objectors.

Mr. EDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. McNARY. I yield.

Mr. EDGE. I suggest an amendment to Senate bill 2148, on page 1, line 5, after the words "one-half bushel," to insert the words "five-eighths bushel." The Senator from Delaware [Mr. BAYARD] has just advised me that he has an amendment carrying out exactly the same purpose. It makes absolutely no difference who offers the amendment, so I will let the amendment stand.

Mr. BAYARD. Mr. President, my two amendments are on the desk.

Mr. EDGE. The other amendment I propose to suggest might be compared with the amendment of the Senator from Delaware. It is, after subparagraph c, on page 2, to insert the words "the standard $\frac{5}{8}$ -bushel hamper or round-stave basket shall contain 1.344.1 cubic inches."

Mr. BAYARD. I will say to the Senator that I make the cubic contents a little different from that. It is an evident error on the part of the department that has been checked up, so that my amendment differs from the Senator's amendment about the cubic contents. That is not a correct calculation, as the Senator will find if he chooses to work it out. Otherwise, our amendments are exactly the same.

Mr. McNARY. Mr. President, I suggest, in order to determine accurately the language to be used, that the clerk state the amendment now to be proposed by the Senator from Delaware.

The PRESIDENT pro tempore. Without objection, the amendment will be stated for the information of the Senate.

The CHIEF CLERK. The Senator from Delaware offers the following amendment:

On page 1, line 5, after the words "one-half bushel," insert the words "five-eighths bushel"; on page 2, after line 11, insert the following: "(cc) The standard $\frac{5}{8}$ -bushel hamper or round-stave basket shall contain 1.344 cubic inches."

Mr. EDGE. Mr. President, the difference is so slight, and the Senator from Delaware and also the Senator from Maryland advise me that they have had it worked out very carefully, that I must admit that I can not question the accuracy of the state-

ment; and I will accept the figures presented by the Senator from Delaware.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Delaware.

The amendment was agreed to.

Mr. EDGE. Mr. President, I should like unanimous consent to include in the RECORD at this point, before the passage of the bill, a letter from the Campbell Soup Co. of New Jersey supporting this amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

CAMDEN, N. J., March 14, 1928.

Senator WALTER E. EDGE,

Senate Chamber, Washington, D. C.

DEAR SIR: We are inclosing the McNary bill (S. 2148) to fix standards for hampers and round-stave baskets. We have made what we consider the proper changes to include the five-eighths basket. These changes or amendments occur on page 1, in line 5, and on page 2, directly after line 11.

The $\frac{5}{8}$ -bushel hamper is the standard local market and farm basket of New Jersey, Delaware, Maryland, and eastern Pennsylvania. In New Jersey it is used almost exclusively by general farmers and vegetable growers south of New Brunswick. In Delaware and Maryland it is used exclusively in handling canning crops and is largely used for the delivering of vegetables to many of the local markets in these States. It is never used as a covered package for long-distance shipments. Canners in Ohio, Indiana, Illinois, New York, as well as some of the other canning States of the West and Middle West, are using this container quite extensively, and its use is becoming more general each year. Records show that this container has been in constant use in the tri-State district for over 40 years. During this time it has been tested by the canners and growers in comparison with the $\frac{1}{2}$ -bushel and $\frac{3}{4}$ -bushel hampers, and has so proven its superiority over the other containers that they are no longer used in the movement of vegetables and fruits for canning purposes. It was found that the $\frac{5}{8}$ -bushel container was undesirable for the handling of highly perishable and soft produce such as tomatoes, and we know of no place in the country where the $\frac{5}{8}$ -bushel hamper is now being used for the movement of vegetables and fruits to the domestic markets or to the canners. The $\frac{1}{2}$ -bushel basket is too small to meet the needs of the vegetable grower.

We are unable to understand the attitude of the Department of Agriculture in attempting to force upon the farmers and canners in the districts mentioned a container of undesirable size to take the place of one that has proven its utility over a long period of years.

As the largest buyer of vegetables in this country we should, and do, realize the importance of standardizing vegetable containers, provided it is done along common-sense lines. We also realize that great loss and inconvenience will follow such impractical rulings as contemplated in the McNary container bill.

The officials of the Department of Agriculture have stated that this move was important from the standpoint of protection to the consumer. This point, in our judgment, is being entirely overworked when applied to a container of this size. We understand the present law is that all packages of this type must be plainly marked on the outside with standard-sized letters or figures to indicate the contents. This, in our opinion, is ample protection for the buyer who, in practically all cases, is experienced in this work and needs no protection. The average housewife or consumer very seldom buys in quantities as great as the five-eighths or a bushel, and even if in rare cases this occurs she is not likely to be deceived, as the five-eighths basket is better known than any other package in the districts where it is used.

We can understand the desirability of eliminating the $\frac{5}{8}$ -bushel hamper, which is now being used by a few of the Southern States in shipping vegetables north, and is classed as a deceptive package. We doubt, however, if the southern shippers are gaining by this practice, as we are familiar with the customs in the large northern markets and therefore know that the buyers operating for the various wholesale and retail stores are very clever and not easily deceived. Please note that the $\frac{5}{8}$ -bushel container is in no sense an undersized or deceptive package, and can not possibly be mistaken for any larger container now used in marketing vegetables or fruits, and the only container used at the present time over which there could be any possible confusion with the five-eighths basket is the one-half bushel, which is a distinct fruit package and not used in the movement of vegetables.

In our opinion the agricultural and canning interests in the districts where the $\frac{5}{8}$ -bushel container is now being used favor the S. 2148 bill if the $\frac{5}{8}$ -bushel container is added or named in place of the $\frac{3}{4}$ -bushel hamper.

Yours very truly,

CAMPBELL SOUP CO.,
H. F. HALL, Purchasing Agent.

Mr. KING. Mr. President, I call the attention of the chairman of the committee to section 5. It seems to me that this provision is rather harsh. Perhaps it may be unconstitutional. It provides that it shall be unlawful to manufacture for sale any of the articles therein referred to.

Mr. McNARY. That refers to articles that find their way into interstate commerce that are placed in containers calculated to mislead the purchasing public. It only applies, of course, to interstate commerce.

Mr. KING. The point I was making was that it seemed to me the language was too broad, and would make it a crime for a man to manufacture something for sale in his own State, purely intrastate, unless it measured up to the requirements of this bill.

Mr. McNARY. But it could not become a subject to be considered by the courts until an infraction had occurred as a result of its moving in interstate commerce. Consequently, it could not affect the manufacture in a State if the two provisions are considered together, and the purposes of the act.

Mr. KING. I shall assume that the statement of the Senator is correct, that the subsequent language makes it clearly applicable only to interstate commerce, and I shall not object to the consideration of the bill. I shall vote against it, however. It seems to me that this is too great an intrusion upon the rights of individuals, and too great an assumption; but I shall not object to the consideration of the bill.

Mr. HEFLIN obtained the floor.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Oregon will state it.

Mr. McNARY. What is the status of the bill? Has it passed?

The PRESIDENT pro tempore. The bill is about to be passed.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. The Senator from Alabama was recognized. Does he yield to the Senator from Tennessee?

Mr. McNARY. I think I had the floor, Mr. President.

The PRESIDENT pro tempore. The Chair was of the opinion that the Senator had lost it.

Mr. McNARY. Very well. I simply want to follow the matter up until it reaches its final passage; and if the Senator from Alabama will bear with me, I hope we will conclude this matter before we go to another subject.

Mr. McKELLAR. May I ask the Senator if the President—

The PRESIDENT pro tempore. The Chair recognized the Senator from Alabama [Mr. HEFLIN].

Mr. McKELLAR. I do not think he asked for the floor; and, if the Chair will recognize me, I want to ask the Senator from Oregon a question about this bill. What is the purpose of the bill, anyway?

Mr. McNARY. The purpose of the bill is to prevent deception in containers carrying fruits and vegetables. There are so many containers of certain characteristics that the buyer is unable to determine the net weight or content.

Mr. McKELLAR. I am not familiar with the proposed legislation; but all the letters I have received about it have been in protest against the passage of the bill. I am wondering if the Senator will not let it go over for another week, until I can go into the matter, or until the next day when the calendar is considered.

The PRESIDENT pro tempore. The Senator can interpose an objection at any time.

Mr. McKELLAR. Of course I can, but I do not want to do so arbitrarily. I am just asking the Senator to let the bill go over until next time.

Mr. McNARY. If the Senator will look into the matter—

Mr. McKELLAR. I shall be glad to.

Mr. McNARY. And read the report that has been filed, he will find that very few objections can be raised to the measure; but if he is not advised at this time, and desires a further opportunity to consider the proposed legislation, I shall ask that it go over without prejudice. I hope that the Senator at the next call of the calendar will be able to join with me in asking for its passage.

Mr. McKELLAR. I shall be glad to look into it between now and then.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance was announced as next in order.

Mr. McNARY. Mr. President, that bill involves a very important and extensive form of legislation. After considering the

matter with the Senator from Utah [Mr. KING], in order to do him a courtesy, I shall ask that it go over also, without prejudice.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The bill will be passed over.

HORTICULTURAL EXPERIMENT WORK

The bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area, was announced as next in order.

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDING OFFICER. The time of the Senator has expired.

[Mr. HEFLIN's remarks appear elsewhere in to-day's RECORD.]

The PRESIDING OFFICER. Is there objection to the consideration of Senate bill 2832?

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

FOREIGN DECORATIONS

The bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, was announced as next in order.

Mr. TYDINGS. Mr. President, I would like to offer an amendment to the bill.

The PRESIDING OFFICER. There is at this time one amendment pending, proposed by the Senator from Pennsylvania [Mr. REED].

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will go over, but the amendment proposed by the Senator from Maryland will be printed, and it will lie on the table.

RURAL POST ROADS

The bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill was considered on March 2, and there is pending an amendment offered by the senior Senator from Tennessee [Mr. McKELLAR].

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDENT pro tempore. The time of the Senator has expired.

[Mr. HEFLIN's remarks appear elsewhere in to-day's RECORD.]

The PRESIDENT pro tempore. Is there objection to the consideration of Senate bill 2327?

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

TRANSACTIONS IN COTTONSEED OIL

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. HEFLIN addressed the Senate for five minutes. His remarks entire follow:

AMERICAN MARINES IN NICARAGUA

Mr. HEFLIN. Mr. President, I wanted to say just a few words when the joint resolution of the Senator from North Dakota [Mr. FRAZIER] to prevent war was before the Senate. I will avail myself of the opportunity presented to say just a few words now; and I ask the clerk to read the resolution which I send to the desk, which was unanimously adopted last Saturday night in Chicago, where I addressed 5,000 citizens of Illinois.

The PRESIDENT pro tempore. Without objection, the resolution will be read.

The Chief Clerk read as follows:

Whereas the Constitution of the United States provides that Congress and Congress alone can declare war; and

Whereas American marines have been in Nicaragua, under the direction of the President, for more than a year, and according to press reports have engaged in war with natives of Nicaragua on several occasions, killing citizens of that Republic and having some of their own number killed by Nicaraguan natives; and

Whereas the taking of an American soldier's life is inexcusable and indefensible, save and except when the cause justifies it, and the war in which he loses his life has been duly declared by the Congress of the United States: Therefore be it

Resolved by the people of the State of Illinois here assembled, That we most earnestly request President Coolidge to either withdraw from Nicaragua the armed forces of the United States or obtain from Congress authority to keep them there.

Mr. SHORTRIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from California?

Mr. SHORTRIDGE. I merely rise to inquire whether the Senator has the right under the rules to proceed at this time.

The PRESIDENT pro tempore. The Senator from Alabama, in the understanding of the Chair, is reserving his right to object, and is speaking under the five-minute rule.

Mr. SHORTRIDGE. But I have objected to the consideration of this bill.

The PRESIDENT pro tempore. House bill 7011?

Mr. SHORTRIDGE. No; Senate Joint Resolution 1.

The PRESIDENT pro tempore. Senate Joint Resolution 1 has been passed over. House bill 7011 is the bill now under consideration. The Senator from Alabama will proceed.

Mr. HEFLIN. Mr. President, if all these advocates of war will just hold themselves in patience, they will have an opportunity to present their defense of using the armed forces of the United States in a foreign country for more than a year without the consent of Congress.

The Constitution allows the President to use the marines in an emergency. That authority was granted purely and wholly for the purpose of meeting a sudden or precipitate attack, before Congress could be called to take action to provide for immediate defense. It was never intended by the founders of this Government that any President, be he Democrat or Republican, should use the armed forces of this Nation on the soil of a foreign nation for the purpose of carrying on a war.

Some strange things have occurred in this Nicaraguan affair. We had about 175 marines down there looking after American interests and they were doing it admirably. Nobody there objected to their presence. For some strange reason they were withdrawn, and then a local riot occurred. I do not know why they were withdrawn. The people of the United States have not been told why they were withdrawn. Congress does not know, so far as I have been apprised; but they were withdrawn temporarily, and then what did we do? We swooped down upon Nicaragua with 2,500 marines; and how many times, Senators, have you read in the daily papers since that time that we have sent another and still another thousand since then? I dare say there is not a Senator here who knows just how many marines we have in Nicaragua now. How many marines have we in Nicaragua to-day? How much money is being expended without the consent of Congress to carry on this foreign war to protect Diaz and his soldiers? Where are Diaz and his soldiers? They are back in pleasant places far from the battle line. Where are our boys? Out on the firing line losing their lives fighting the battles of Diaz and his soldiers, who are sitting back enjoying themselves in places of safety.

Mr. President, this issue is going to be one of importance in the national campaign. Somebody ought to be a candidate for President who is American enough to say: "We are going to bring this Government back to the Constitution. We are going to define the powers of the President. We are going to say in what instances he can use the marines, and how long he can use them without consulting Congress."

(At this point Mr. HEFLIN was reminded by the President pro tempore that he had spoken for five minutes on the pending bill.)

A subsequent bill having been reached on the calendar—

Mr. HEFLIN. Mr. President, I will not detain the Senate much longer, but I am going to continue to talk to the Senate about this Nicaraguan matter until some action is taken. I do not intend that another boy shall be killed in that unauthorized war down there if I can prevent it, without Congress having an opportunity to say something on this very grave and serious matter.

I have never before heard of such a procedure. I think it is without a parallel in the history of this Government. I know of no instance where a President has sent the marines into a foreign country, where they have engaged in battle after battle for a year, as has been the case in Nicaragua, without consulting Congress. There is no just cause or good excuse in this instance for the President's failure to consult Congress about this important matter. Congress is in session now and has been in session for more than three months.

What are we doing in Nicaragua? Are we protecting Diaz, this impostor and usurper? Is the Congress of Nicaragua in sympathy with us? It is not. That Congress has failed and refused to sanction our presence in Nicaragua. Then what are we doing there? The Congress is supposed to speak for the people. We are backing a bastard government. Diaz is not

President; he has never been elected to that office. He is an impostor and usurper, and it is rumored that some of the Liberal leaders were paid by our Government to lay down their arms.

Sandino was not for sale. His followers rallied around him in his native mountains and are fighting to repel a foreign foe. He has our example of 1776 to inspire and lead him on. The American colonists took the same position in the War of the Revolution. They told Great Britain to get out, that she could not run this country, that we were going to run it ourselves. We drove out the invader, and we declared that we were going to be one government that would never have any entangling alliances with foreign countries or interfere with the internal affairs of foreign governments. But now in this morning of the twentieth century we are out on this high road of imperialism, encouraged by the international bankers of the United States, who are reaching out for new fields in foreign countries. They are taking money out of the channels of business in the United States that ought to remain here. Are we to have our Army and Navy follow them on their trail across the world in this new venture of imperialism on the part of the United States Government?

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. Not just now. Quite a number of boys have been killed in Nicaragua. No Senator here knows how many boys have been killed there.

Senators, this is a serious situation that confronts us. Have we become imbued with this imperialistic spirit and materialistic spirit? Will we turn a deaf ear to the appeal of the parents of these American boys who are being murdered in Nicaragua? Have Senators forgotten the letter written just a few days ago by Mr. Ferguson, of Missouri, to the President, telling him about his boy's honorable record in the World War, how he won the distinguished-service cross upon the firing line in France fighting to preserve the life of this Nation and the liberty of the world? Have Senators forgotten that that man told the President that he felt that the Government had murdered his boy in Nicaragua?

Mr. MAYFIELD. And still they insist that they must see that they have good and pure elections down there.

Mr. HEFLIN. Oh, yes, Mr. President; seeing that they have clean elections.

Are we going to permit the slaughter of our boys to continue in Nicaragua in the absence of a declaration of war by Congress?

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. HEFLIN. I can not yield just now.

Mr. SHORTRIDGE. I want to ask just a simple question. Has the Senator from Alabama forgotten that Sandino, his hero, robbed an American citizen, a citizen of California, of his property? Has he forgotten that?

Mr. HEFLIN. No; and I have not forgotten that a bunch of crooks and criminals bombed the house of Senator DENEEN last night in Chicago, and I have not heard the Senator from California say a word in protest, and this occurred right here in the United States.

Mr. SHORTRIDGE. If the Senator from Alabama will ever cease, some day I may say something concerning Nicaragua, and his hero, Sandino, whom he has crowned again and again.

(At this point Mr. HEFLIN was reminded by the Presiding Officer that he had spoken five minutes on the pending bill.)

A subsequent bill having been reached on the calendar—

Mr. HEFLIN. Mr. President, in reply to the distinguished Senator from California about Sandino robbing somebody who lives in California, robberies are taking place in the United States constantly, and the Federal Government, so far as I know, is taking no steps to stop them. But it tries to put down a native of Nicaragua taking up arms in defense of what he believes is his inherent right, what he believes is his right as a native of Nicaragua, to repel force from a foreign government that has set up business in his nation by a military power. In his operations around, it seems that he robbed some American who owns property over there.

I suggest to the Senator from California that we can have a settlement of that. When stable government is restored and when this impostor and usurper Diaz is put out of the office of President and Nicaragua takes her place again in the family of nations, as she has a right to do, we will take up these matters with that Government and we will say to them, in substance, "You or your citizens destroyed the property of an American citizen. It amounts to so many dollars. You must settle for it." They will settle it without a murmur.

I want to say to the Senator from California that I am not in favor of pouring out the blood of brave American boys on the soil of Nicaragua following reckless adventurers of the United

States who go away from home and make their investments in hazardous surroundings and then when they get in trouble cry that they are Americans and hoist the flag. Let them take their medicine for the time being, until this Government can exert its orderly processes, rather than rush boys out of the homes of America into a foreign country for unlawful purposes and pursue the natives who resent the presence of invaders. I think that would be a better plan for bringing about these settlements.

Mr. SHORTRIDGE. May I inquire of the Senator—
The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. I yield.

Mr. SHORTRIDGE. Does the Senator take the position that when an American citizen goes lawfully into a foreign country and lawfully acquires property there, and he is robbed of that property our country should pay no heed to him, should not reach out its hand to protect him, or do anything necessary to protect him in his life and in the possession of his legally acquired property? Does the Senator take that position?

Mr. HEFLIN. I would protect him—

Mr. SHORTRIDGE. If so, I say that the Senator's doctrine is not the Jacksonian doctrine.

Mr. HEFLIN. Mr. President, I will be the judge as to whether it is the Jacksonian doctrine. It is good American doctrine.

Mr. SHORTRIDGE. I claim that it is the duty of this Government to protect its citizens wherever they may be traveling on the earth, and that to protect them we should put forth the necessary power.

Mr. HEFLIN. Then the Senator would swap the precious lives of American boys to protect the dollars of the imperialistic international bankers of the United States.

Mr. SHORTRIDGE. Oh, I am not concerned with international bankers. I am concerned with American citizens, and the honor of this Republic, the rights of an American citizen, and I want it to be—

Mr. HEFLIN. I can not yield further now.

Mr. SHORTRIDGE. Pardon me for just a sentence. I want it to be as perhaps it was long ago respecting a Roman citizen, that an American citizen must be protected wherever he travels.

Mr. HEFLIN. The Senator is unfortunate in referring to Rome. Rome lost her life. Rome fell. Rome perished in doing the same things we are doing now, sending an army here and an army yonder meddling with things she had no business to meddle with. The Senator at this particular time is trying to protect an American who has a gold mine in Nicaragua.

Mr. SHORTRIDGE. That is right.

Mr. HEFLIN. I want to protect these boys who are taken out of the American home, and I am going to do it if it is in my power to do so.

(At this point Mr. HEFLIN was reminded by the President pro tempore that he had spoken five minutes on the pending bill.)

Mr. COPELAND. Mr. President, I want to remind the genial Senator from California that there was a time a year or two ago when some of us were begging that the hands of the American Government be stretched out to help Americans in the Isle of Pines, but the Senator from California was not thinking then about the rights of American citizens. He was willing to have the flag hauled down from over that little island down in the Antilles.

Mr. SHORTRIDGE. Because under the treaty with Spain it belonged to Cuba; we conceded her right to the Isle of Pines.

Moreover, permit me to add, if it were not for the United States of America there would be no such independent country as Nicaragua. We protected and now protect her independence.

A subsequent bill having been reached on the calendar—

Mr. HEFLIN. Mr. President, I regret to have to make this speech piecemeal, but it is the only chance, it seems, that we are going to have to say a word in behalf of the rights of the American citizen. This Government was created for the citizen. He is the end and aim of constitutional government. It was not created for a king, for a monarch, it was created for the welfare of the citizen, and here we are taking the citizen, for whom the government was created, and sending him into a foreign country to police a foreign nation to hold an election in a foreign nation. Think of it! What are we coming to in this country, Senators?

The Senator from California says that I am referring to my hero, Sandino. I hang my head in shame when I see this great, strong, Government using its power to beat down and kill the last of the old heroic stock, it seems, of Nicaragua, a man who announced that he would never yield to a foreign power to come in and control his native land.

Why, Mr. President, time was when the Senator from California would have thrilled at the recital of Sandino's heroic

deeds. Time was when the Senator from California would have cheered Sandino as he fought and backed back into his mountain fastnesses, fighting for the principle of self-government, fighting for the right to say who should be his President, fighting for the right to say who should control his country. Is that a sin? Is that a wrong? Let our Government say to those people, "Run your own affairs. Look after our citizens and their property, and if you fail to do it you will have to pay us for the property you destroy and you will have to deal with us directly then."

But what are we doing? The marines are not encamped there about our property guarding it. They are the aggressors in a war. They are pursuing natives who are retreating into their mountain fastnesses. We are hunting them down and killing them, and they are killing our boys by the score. I wish I knew how many Americans have been killed down there. I wish I knew how many Nicaraguans we have killed. I saw a statement in some paper where they were taking this Government to task and where it was said that with its field guns and machine guns this Government had murdered a whole village of men, women, and children. Let us have the truth. Let the Congress know what is going on in Nicaragua.

I am going to ask Congress to vote on my resolution requesting that the President shall either withdraw our armed forces or shall come to Congress and ask the consent of Congress to keep them there. Is there any Senator here who will say that is unfair? I wish Senators could have seen that audience Saturday night, 5,000 patriotic men and women in the State of Illinois, the home State of Lincoln. They cheered the reading of that resolution. I said, "All of you who favor its adoption stand up," and they got up like they were receiving the benediction at church. The vote was unanimous. That is how the American people feel. They are not for this monopolistic program.

I am going to say this in conclusion: God help the Senate to wake up. God help the representatives of the sovereign States in this body to turn their attention for a little while and give their hearts' attention for a little while to the boys who are being butchered in this unholy undertaking in Nicaragua.

TRANSACTIONS IN COTTONSEED OIL

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes.

The PRESIDENT pro tempore. The clerk will state the amendments of the Committee on Agriculture and Forestry.

The amendments were, on page 2, line 2, strike out the word "cottonseed" and insert the words "cotton seed"; in line 7, strike out the word "or" and insert the word "of"; in line 9, strike out "or" and insert "on"; on page 4, line 1, strike out the word "cottonseed" and insert the words "cotton seed"; in line 5, strike out the word "cottonseed" and insert the words "cotton seed"; in line 14, strike out the word "cottonseed" and insert the words "cotton seed"; in line 17, strike out the word "cottonseed" and insert the words "cotton seed"; on page 8, line 16, strike out the word "cottonseed" and insert the words "cotton seed"; on page 12, line 23, strike out the word "same" and insert the word "said"; on page 13, line 6, strike out the word "does" and insert the word "shall"; on page 14, after the words "authorized to," in line 22, insert the words "make economic investigations of future trading in cottonseed oil, to"; in line 24, strike out the word "cottonseed" and insert the words "cotton seed"; on page 16, line 12, strike out the word "of" and insert the word "or"; and on page 17, after line 20, insert a new section, as follows:

SEC. 13. To effectuate the purpose of this act, the Secretary of Agriculture shall have authority to prescribe the manner and form in which accounts, records, and memoranda relating to contracts of sale of cottonseed oil for future delivery shall be kept, and he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution, for the purpose of clearing, settling, or adjusting any such transactions to keep such records and to make such returns as will fully and clearly disclose all facts in their possession relating thereto, and thereafter any person who fails to keep such accounts, records, and memoranda in the manner and form prescribed or approved by the Secretary of Agriculture shall be guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding \$5,000.

So as to make the bill read:

Be it enacted, etc., That this act shall be known by the short title of "The cottonseed oil futures act."

SEC. 2. (a) For the purposes of this act "contract of sale" shall be held to include sales, agreements of sales, and agreements to sell. The

word "person" shall be construed to import the plural or singular and shall include individuals, associations, partnerships, corporations, and trusts. The words "cottonseed oil" shall be construed to mean the oil extracted from cotton seed by pressure or otherwise, either crude or refined. The term "future delivery" as used herein shall not include any cash or spot sale of cottonseed oil for deferred shipment or delivery. The word "exchange" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling cottonseed oil or receiving the same for sale on consignment. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person. The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(b) For the purposes of this act (but not in any wise limiting the foregoing definition of interstate commerce) a transaction in respect to any cottonseed oil shall be considered to be in interstate commerce if such cottonseed oil is part of that current of commerce usual in the trade whereby cottonseed oil is sent from one State with the expectation that it will end its transit, after purchase, in another, including, in addition to the cases within the above general description, all cases where purchase or sale is either for shipment to another State or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Cottonseed oil normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possessions of the United States, and foreign nation.

SEC. 3. Transactions in cottonseed oil involving sale thereof for future delivery as commonly conducted on exchanges and known as "futures" are affected with a national public interest in that such transactions are carried on in large volume by persons engaged in the business of buying and selling cottonseed oil and the products and by-products thereof in interstate commerce, and others; that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining prices and values of cotton seed, cottonseed oil, and the products and by-products thereof, and to facilitate the movement thereof in interstate commerce; that such transactions are utilized by dealers, manufacturers, and others engaged in handling cotton seed, cottonseed oil, and the products and by-products thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; that the transactions and prices of cottonseed oil on such exchanges are susceptible to speculation, manipulation, and control, and unreasonable fluctuations in the prices thereof occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling cotton seed, cottonseed oil, and the products and by-products thereof in interstate commerce, and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in cotton seed, cottonseed oil, and the products and by-products thereof and render regulation imperative for the protection of such commerce and the national public interest therein.

SEC. 4. It shall be unlawful for any person to deliver for transmission through the mails, or in interstate commerce, by telegraph, telephone, wireless, or other means of communication, any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of cottonseed oil for future delivery on or subject to the rules of any exchange in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce, or (b) determining the price basis of any such transaction in interstate commerce, or (c) delivering cottonseed oil sold, shipped, or received in interstate commerce for the fulfillment thereof, except—

(a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby; or

(b) Where such contract is made by or through a member of an exchange which has been designated by the Secretary of Agriculture as a "contract exchange," as hereinafter provided, and if such contract is evidenced by a record in writing which shows the date, the parties to such contract, and their addresses, the property covered and its price, and the terms of delivery: *Provided*, (1) That each exchange member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice; (2) that the Secretary of Agriculture may

fix and prescribe grades, classes, and other qualities of cottonseed oil, to be known as the official standards of the United States for cottonseed oil, one of which said official standards, when established, shall be made the basis grade of all such contracts, and the Secretary of Agriculture may prescribe the means and methods and agencies by which cottonseed oil may be classified or graded for delivery on or in settlement of any such contract, and the form of certificate or memorandum by which such classification shall be evidenced, and no cottonseed oil shall be delivered on or in settlement of any such contract unless it be of or within said official standards; and (3) that in case any cottonseed oil of grade, class, or quality other than the basis grade, class, or quality specified in such contract be tendered or delivered in settlement thereof, the difference above or below the contract price which the receiver shall pay for such grades, classes, or qualities other than the basis, grade, class, or quality shall be the actual commercial differences determined under the direction of the Secretary of Agriculture and in accordance with regulations to be prescribed by him.

SEC. 5. The Secretary of Agriculture is hereby authorized and directed to designate any exchange as a "contract exchange" when, and only when, such exchange complies with and carries out the following conditions and requirements:

(a) When the governing board thereof provides for the making and filing by the exchange or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the exchange or the members thereof, either in cash or spot transactions consummated at, on, or in an exchange, or transactions for future delivery, and when such governing board provides, in accordance with such regulations, for the keeping of a record by the exchange or the members thereof, as the Secretary of Agriculture may direct, showing the details and terms of all cash or spot and future transactions entered into by them, consummated at, on, or in an exchange, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which such transactions are fulfilled, discharged, or terminated. Such record shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice.

(b) When the governing board thereof provides for the prevention of dissemination by the exchange, or any member thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of cottonseed oil in interstate commerce.

(c) When the governing board thereof provides for the prevention of manipulation of prices or the cornering of any cottonseed oil by the dealers or operators upon such exchange.

(d) When the governing board thereof does not exclude from membership in, and all privileges on, such exchange any duly authorized representative of any lawfully formed and conducted cooperative association having adequate financial responsibility, which is engaged in the production or handling of cottonseed, cottonseed oil, or the products and by-products thereof, if such association has complied, and agrees to comply, with such terms and conditions as are or may be imposed lawfully on other members of such exchange, and when membership in the exchange is open to all persons who agree to and do comply with such terms and conditions as may be lawfully imposed on members: *Provided*, That no rule of a contract exchange shall forbid, or be construed to forbid, the return on a patronage basis by such cooperative association to its bona fide members of monies collected in excess of the expenses of conducting the business of such association.

(e) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph (b) of section 7 of this act.

SEC. 6. Any exchange desiring to be designated a "contract exchange" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the above conditions, and with a sufficient assurance that it will continue to comply with the above requirements.

SEC. 7. (a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months or to revoke the designation of any exchange as a "contract exchange" upon a showing that such exchange has failed or is failing to comply with any of the above requirements or is not enforcing its rules of government made a condition of its designation as set forth in section 5. Such suspension or revocation shall only be after a notice to the officers of the exchange affected and upon a hearing, and such suspension shall not be effective until after the expiration of the farthest month which has already been traded in on the market but during which time no new contract shall be entered into, the purpose of this being to permit the liquidation of contracts already in force: *Provided*, That such suspension or revoca-

tion shall be final and conclusive unless within 15 days after such suspension or revocation by the said commission such exchange appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of the said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such exchange will pay the costs of the proceedings if the court so directs. In which event the exchange shall continue to function until it has been decreed guilty, at which time the suspension shall go into effect as provided above. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings including the notice to the exchange, a copy of the charges, the evidence, and the report and order. The testimony and evidence, taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case, but this shall not be construed as denying to the exchange its privilege of appearing before the court in its own behalf or of submitting additional evidence or testimony. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the exchange that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such exchange for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission: *Provided*, That if the Secretary of Agriculture shall refuse to designate as a contract exchange any exchange that has made application therefor, then such exchange may appeal from such refusal to the commission described therein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested.

(b) If the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this act, or is attempting to manipulate the market price of cottonseed oil in violation of the provisions of section 5 hereof, or of any of the regulations made pursuant to its requirements, he may serve upon such person a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place, not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract exchanges until further notice of the said commission refuse all trading privileges thereon to such person. Said hearing may be held in Washington, D. C., or elsewhere, before the said commission, or before a referee designated by the Secretary of Agriculture, who shall cause all evidence to be reduced to writing and forthwith transmit the same to the Secretary of Agriculture as chairman of the said commission. That for the purpose of securing effective enforcement of the provisions of this act the provisions, including penalties, of section 12 of the interstate commerce act, as amended, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, or said referee in proceedings under this act, and to persons subject to its provisions. Upon evidence received the said commission may require all contract exchanges to refuse such person all trading privileges thereon for such period as may be specified in said order. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract exchanges: *Provided*, That such order shall not stop or prohibit the liquidation of contracts of purchase or sale already made by the offending person. After the issuance of the order by the commission, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission by delivering such copy to its chairman or to any member thereof, and thereupon the commission shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the commission, and the findings of the commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

(c) Any exchange that has been designated a contract exchange in the manner herein provided may have such designation vacated and set aside by giving notice in writing to the Secretary of Agriculture requesting that its designation as a contract exchange be vacated, which notice shall be served at least 90 days prior to the date named therein as the date when the vacation of designation shall take effect. Upon receipt of such notice the Secretary of Agriculture shall forthwith order the vacation of the designation of such exchange as a contract exchange, effective upon the day named in the notice, and shall forthwith send a copy of the notice and his order to all other contract exchanges. From and after the date upon which the vacation became effective, the said exchange can thereafter be designated again a contract exchange by making application to the Secretary of Agriculture in the manner herein provided for an original application.

SEC. 8. That in order to effectuate the purposes of this act, the Secretary of Agriculture is authorized to make economic investigations of future trading in cottonseed oil, to investigate the handling, grading, and transportation of cotton seed, cottonseed oil, and the products and by-products thereof, and to make public from time to time, in his discretion, the result of such investigation and such statistical information gathered therefrom as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets of customers: *Provided*, That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary relative to the conduct of any exchange or of the transactions of any person found guilty of violating the provisions of this act under the proceedings prescribed in section 7 of this act: *Provided further*, That the Secretary of Agriculture in any report may include the facts as to any actual transaction. It shall be the duty of any person engaged in the business of dealing in cottonseed oil or the products or by-products thereof, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly according to the best of his knowledge, under oath or otherwise, all questions touching upon his knowledge of the details and terms of any cash or spot or future transaction participated in by him involving any cottonseed oil or the products or by-products thereof, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter. Any such person who shall, within a reasonable time prescribed by the Secretary of Agriculture or such agent, willfully fail or refuse to answer such questions or to produce such books, letters, papers, or documents, or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$5,000.

SEC. 9. Any person who shall violate the provisions of section 4 of this act, or who shall fail to evidence any contract mentioned in said section by a record in writing as therein required, or who shall knowingly or carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication, false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of cottonseed oil in interstate commerce, or who shall forcibly assault, resist, impede, interfere with, improperly influence, or attempt to improperly influence any person employed by the Secretary of Agriculture in carrying out any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not more than \$10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

SEC. 10. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 11. No fine or imprisonment shall be imposed for any violation of this act occurring before the first day of the sixth month following its passage.

SEC. 12. The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 13. To effectuate the purpose of this act, the Secretary of Agriculture shall have authority to prescribe the manner and form in which accounts, records, and memoranda relating to contracts of sale of cottonseed oil for future delivery shall be kept, and he may require all persons who act in the capacity of a clearing house, clearing asso-

clation, or similar institution, for the purpose of clearing, settling, or adjusting any such transactions to keep such records and to make such returns as will fully and clearly disclose all facts in their possession relating thereto, and thereafter any person who fails to keep such accounts, records, and memoranda in the manner and form prescribed or approved by the Secretary of Agriculture shall be guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding \$5,000.

The amendments were agreed to.

Mr. SIMMONS. Mr. President, may I ask with reference to the amendments—

The PRESIDENT pro tempore. Those are all committee amendments, the Chair will state to the Senator from North Carolina.

Mr. SIMMONS. My only purpose in rising was to ask the Senator from Texas at the appropriate time to explain the bill.

Mr. MAYFIELD. I shall be glad to do so. I have explained the bill two or three times. These are only committee amendments that have been agreed to.

Mr. SIMMONS. I am not the only Senator who did not happen to be present when the Senator explained the bill on a previous occasion.

AMERICAN MARINES IN NICARAGUA

Mr. KING. Mr. President, I desire to offer a few remarks apropos of the question submitted by the Senator from California [Mr. SHORTRIDGE] to the Senator from Alabama [Mr. HEFLIN]. The latter Senator has condemned the policy of the administration in sending military forces to Nicaragua for the purpose of carrying on military operations against the inhabitants of that country. The Senator from California claims that an American citizen who was engaged in business in Nicaragua has suffered property losses; and, as I interpret his position, he believes that the United States should send troops to that country and that war should be waged against the people of Nicaragua. He stated, in substance, that Andrew Jackson would have acted as the present administration is acting in Nicaragua.

Senators will recall that when Andrew Jackson was President of the United States American citizens lawfully in Mexico were despoiled of their property, and some were killed. Andrew Jackson did not, however, send troops into Mexico and carry on war against the people of that country. He was unwilling to invade Mexico because some Americans had been wronged and some had been killed. He protested with great vigor against the conduct of Mexico and the delinquencies of her nationals. Relations between the two countries were strained, and finally President Jackson withdrew our diplomatic representatives. Later diplomatic relations were resumed; and, as I remember, claims were presented to Mexico and demands made for the indemnification of American citizens. The courage and patriotism of Andrew Jackson are conceded by all. No one was more scrupulous in preserving the honor of our country and vindicating the rights of American citizens than that intrepid, heroic President. He was unwilling, however, to plunge his country into war because some American citizen had suffered wrongs in a neighboring country.

In every administration from Jackson until the present American citizens have received injuries at the hands of Mexico. Many Americans have been killed upon Mexican soil, and property owned by American citizens in Mexico of the value of hundreds of millions of dollars has been confiscated or destroyed. Wrongs have been inflicted, both by the Mexican Government and by Mexican nationals. Americans have suffered damages and have been killed at times when there were no internal convulsions and no civil war. But wrongs have been sustained by many Americans during guerrilla warfare or revolutionary outbreaks. I am not mentioning these historic matters for the purpose of indicting Mexico, but am alluding to them in view of the statement of the Senator from California.

Mr. President, American citizens have met their death through violence in other lands, and many have been despoiled of their property. We have not gone to war because of these wrongs and indignities inflicted upon American citizens. I am not contending that the United States should never send military forces to foreign lands for the protection of American citizens. Indeed, conditions have arisen and hereafter may arise when such a course was and will be not only justifiable but required.

But it is a grave matter to send our battleships into foreign ports and to land our marines and soldiers on foreign shores for the purpose of conducting military operations, and conditions must exist which demand war before war should be entered upon. There is no doubt that the United States is engaged in military operations in Nicaragua. Thousands of marines have been landed upon the soil of that country. Our naval

vessels have anchored in the harbors of Nicaragua, and American troops have been landed upon Nicaraguan territory for the purpose of meeting and conquering the military forces of that country.

In my opinion we are not justified in the course we have pursued. We are not justified in spending millions of dollars to send our war vessels and soldiers to wage war upon a de jure or de facto government in Nicaragua or upon guerilla bands or military factions. Our American marines are not there to protect American lives or American property. The claim is now made that they are there for the purpose of supervising an election, pursuant to an agreement entered into between the United States and some person or persons claiming to represent Nicaragua. No treaty was entered into obligating the United States to supervise elections in Nicaragua, and I submit that no agreement by the President of the United States or by the Secretary of State would have the effect of a treaty or impose upon the United States the duty of sending warships and marines to Nicaragua and to there wage war for the purpose of enforcing such an agreement.

The Senator from California [Mr. SHORTRIDGE] contends that Mr. Charles Butters, an American, has been wronged and his property injured. The inference is that it is the duty of the President to carry on war in Nicaragua because the forces of Sandino injured the property of Mr. Butters.

American citizens have killed foreigners who were lawfully in the United States. These wrongs inflicted upon aliens did not bring war or lead to an attempt to invade the shores of our country. If any American has suffered in Nicaragua that country would have made complete reparation. As a matter of fact, for many years Nicaragua has been more or less dependent upon financial interests in the United States for pecuniary assistance.

For a number of years American marines have performed police service in Nicaragua. If Mr. Butters or any American citizen lost property at the hands of the Government of Nicaragua or of the nationals of that country, the United States could have obtained reparation and complete indemnification through diplomatic channels.

Mr. President, I regret the course which we are pursuing in Nicaragua. I protest against any form of imperialism upon the part of our Government and attempts to control by military force the peoples of other countries. Our military forces have no right to be in Nicaragua or in Haiti. They should be withdrawn, and the peoples of those countries permitted to establish such government as they desire. Nicaragua belongs to the Nicaraguans and Haiti to the Haitian people, and the inhabitants of those countries must work out their own economic and political destinies. They can not learn the lessons of democracy in a day or perhaps in a century. Have we learned those results yet? Political progress is a plant of slow growth, and the peoples of other lands may require many years in order to attain the political standards which the American people believe have been reached by themselves. Let us look to our own country first and put into force those principles of justice and liberty and morality that are essential for genuine progress and the attainment of that goal which Christian principles and noble ideals have projected. Our attitude toward other countries, and particularly our attitude toward other peoples, should be one of sympathy and helpfulness. We will not gain friends in Latin America if we follow the paths which have led us into Nicaragua and Haiti and Santo Domingo, and if we insist upon holding indefinitely against their will the peoples of far-off Philippine Islands.

Mr. COPELAND obtained the floor.

Mr. SHORTRIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I yield.

Mr. SHORTRIDGE. The review of historical facts as made by the Senator from Utah is very interesting. I was waiting in anticipation that he would have something to say about Andrew Jackson and what he did in Florida. In order to protect the rights of America, Andrew Jackson, the Democrat, not a modern one, but Andrew Jackson, the Democrat, went over into Florida and hanged a couple of Englishmen because of their conduct inimical to the citizens and the people of the United States. He was not afraid of Great Britain. I shall be very glad if the Senator will differentiate and point out wherein Andrew Jackson failed to carry out the theory or the thought which I took the liberty of expressing a moment ago, that wherever American interests are or American citizens are there should be this country to protect them.

On another occasion, not now taking advantage of the privilege accorded under Rule VIII, I shall then make answer in my

own way to some of the observations made by the Senator from Alabama, and also perhaps make an attempt to answer some reflections of the Senator from Utah.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Ohio?

Mr. COPELAND. Is this coming out of my time?

The PRESIDENT pro tempore. Oh, yes! [Laughter.]

Mr. COPELAND. Very well; I yield reluctantly.

Mr. FESS. Did the Senator from California refer to Ambrister and Arbuthnot, the two British subjects?

Mr. SHORTRIDGE. I did. That is a fact with which I assumed everyone is familiar.

TRANSACTIONS IN COTTONSEED OIL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes.

Mr. COPELAND. Mr. President, I want to speak on the pending bill if there is no rule against it.

The PRESIDENT pro tempore. There having been several parliamentary questions which have been passed on in considering the bill now pending before the Senate, the Senator from New York is now recognized for five minutes.

Mr. COPELAND. Mr. President, I wish the Senator from Texas [Mr. MAYFIELD] might be induced to consent to recommit the bill to the Committee on Agriculture and Forestry. The New York Produce Exchange and representatives of the cottonseed-oil market feel that they have been imposed upon. There was no hearing permitted where those men could be present. In 1926 a bill identical with this was presented to the Committee on Agriculture and Forestry and the produce exchange people of New York had a hearing, and as a result of it the bill never was reported out. It is not right that the bill, which imposes new conditions upon this industry, should be dealt with in this casual manner.

I hope the Senator from Texas will be courteous and kind about it and let the bill go back to the committee in order that persons who are interested on the other side of the question may be heard, as they have not been heard. It is not fair to ask one of us who is not familiar with all the technicalities of the matter to attempt to debate it or discuss it and raise objections. There are serious objections, as the telegrams and letters which I hold in my hand indicate. The bill should go back to the committee.

Mr. FESS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. FESS. I have had some correspondence with Cincinnati citizens asking that the bill be referred back to the committee in order that they may be given a chance for hearings. I second the request of the Senator from New York.

The PRESIDENT pro tempore. Does the Senator from New York move to recommit the bill?

Mr. COPELAND. I do not like to be discourteous to the Senator from Texas.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. SACKETT. I have had many requests from my own State for hearings to be had on the bill. It affects my people very much. I think the bill ought to go back to the committee.

Mr. COPELAND. Very well. I move—

Mr. SIMMONS. Mr. President, I hope the Senator from New York, before he makes his motion, will allow the Senator from Texas to have a moment to explain the bill.

Mr. COPELAND. Certainly. I am glad to allow that to be done.

Mr. MAYFIELD. Mr. President, I have not the slightest objection to the Senator from New York making a motion to recommit the bill. I am opposed to such a motion; but after I have explained to the Senate the exact procedure that was taken with reference to the bill, if the Senate sees fit to recommit it, then I shall have nothing further to say.

This is a measure which seeks to place under the supervision of the Secretary of Agriculture future exchanges dealing in cottonseed-oil option contracts. The measure was introduced by me in the Senate toward the close of the last session of the Congress and extended hearings were had on the bill by the Committee on Agriculture of the Senate. Representatives of the New York Produce Exchange came here and presented their views on the measure.

Witnesses from New Orleans and from various points in Texas presented their views on the bill.

Mr. COPELAND. Mr. President, may I ask the Senator from Texas a question?

Mr. MAYFIELD. Certainly.

Mr. COPELAND. As the result of the hearings, however, the Committee on Agriculture and Forestry did not report the bill. Am I correct in that statement?

Mr. MAYFIELD. Your statement is correct, but no report on the measure was made; but it was because we were right at the close of the session of Congress, and there would have been no opportunity to have considered the bill had it been reported. That was the only reason why I did not insist upon the committee reporting the measure to the Senate.

Mr. President, this bill simply proposes to do with exchanges that deal in cottonseed-oil option contracts what the Smith-Lever law does with cotton exchanges that deal in cotton future contracts and what the Capper-Tincher law does with exchanges that deal in grain future contracts. The measure has been unanimously indorsed by the cottonseed oil crushers association of the South; it has the unanimous support of the Senators from the States that produce cotton and cottonseed.

Talk to me not, sir, about sending American marines to Nicaragua to protect the interests of American investors when the Senate of the United States refuses to consider a bill that proposes to protect the cotton farmers of the South! Why should this bill be recommitment to the committee when extensive hearings have been had upon it? We know, Mr. President, that such a course would impose a tremendous expense upon the people who live in the far-distant Southern States. Those who are opposed to this measure, living in New York, Kentucky, and Ohio, are financially able to send their representatives here and prolong the hearings of the committee. The people of the South alone are affected by the terms of this measure. The Southern States produce the cottonseed of the country. Why should Senators from the Northern and Eastern States be so tremendously interested in this measure? Their constituents will not be affected by its terms should it become a law, but the producers of the cottonseed in the country will be vitally affected by it. They have requested consideration of the bill by the Senate.

Mr. SIMMONS. Mr. President, may I ask the Senator from Texas a question?

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from North Carolina?

Mr. MAYFIELD. I yield.

Mr. SIMMONS. Is there any substantial opposition to the bill in the Committee on Agriculture?

Mr. MAYFIELD. There is none whatever except from the representatives of the New York Produce Exchange. The members of that exchange impose an unfair and unconscionable contract; they are trying to preserve it, so that they can continue to rob the cotton farmers of the South of millions and millions of dollars. Now, Mr. President, if the Senate wishes to recommit the bill it is up to the Senate to do it.

The PRESIDENT pro tempore. The time of the Senator from Texas has expired.

Mr. KING. Mr. President, I desire to ask the Senator from Texas a question in my own time. Unfortunately I was called from the Chamber and did not have the opportunity of hearing all of his remarks. Next to the last sentence uttered by the Senator from Texas was that an unconscionable contract now existed between certain exchange brokers and the producers of cotton and cottonseed oil. I want to ask the Senator whether this proposed legislation would abrogate contracts?

Mr. MAYFIELD. It would not.

Mr. KING. I was going to suggest that even though the contract to which the Senator refers may, perhaps, be subject to criticism, if it should be attempted retroactively to affect contractual relations there might be some question as to the validity of such a statute.

Mr. MAYFIELD. If this bill should become a law, it would not affect the contractual relations at all. It simply proposes to give the Secretary of Agriculture the right to supervise such contracts.

Mr. KING. Mr. President, I should like to ask the Senator from New York what exactly is his view respecting the point made by the Senator from Texas [Mr. MAYFIELD]?

Mr. COPELAND. Mr. President, I have no view on the point raised by the Senator from Texas, but I do know that the Produce Exchange of New York is very much agitated about this matter because the representatives of the exchange have had no opportunity to appear before the newly organized Committee on Agriculture to present their cause. The time may come when I shall be glad to vote with the Senator from Texas, but on a project which would affect the New York Produce Exchange

market, which has been in operation in this very industry for a period of 30 years, and the New Orleans exchange, which has been engaged in it for a number of years, it is not fair that there should be this hasty action. That is the reason why I am begging the Senator from Texas voluntarily to ask that the bill be recommitted to the committee, in order that the gentlemen to whom I refer may be heard.

Mr. MAYFIELD. Mr. President, ordinarily I should be glad to grant any request that my friend the Senator from New York might make, but I feel that it is my duty to the people who are most deeply interested in this measure to resist his motion, because I know that the recommitment of the bill to the Committee on Agriculture and Forestry would absolutely mean its death during the present session of Congress.

Mr. KING. Mr. President, there may be a great deal of merit in this bill and there probably is. I am not ready, I will frankly say, to vote affirmatively, and I am not ready to vote against the bill. It is a measure of very great importance. I have felt for some time that if we shall legislate on the subject of future contracts we ought to deal with it in a comprehensive way. I introduced a bill two or three sessions ago, proposing to forbid the banks under the Federal reserve system loaning money for speculative purposes and for dealing in futures; I would gladly vote for a measure that would interdict gambling in futures; but I think that such a measure ought to be comprehensive and not deal with cotton or cottonseed oil alone or any one subject. I think that the pending bill ought to receive further consideration, with a view to formulating a comprehensive measure that would cure an evil that I know exists and about which the Senator from Texas has very great reason for complaining.

The PRESIDENT pro tempore. Does the Senator from New York ask that the bill may be passed over?

Mr. COPELAND. I move that the bill be recommitted to the Committee on Agriculture and Forestry.

Mr. SIMMONS. Mr. President, I agree with the Senator from Texas [Mr. MAYFIELD] that if this bill shall be recommitted to the committee probably the present Congress will not act upon it. If it is meritorious I should like to see action; if not, it should not be passed. The Senator from South Carolina [Mr. SMITH] has given as much study to subjects of this character as has any other Senator. The Senator from Texas has stated in answer to what the Senator from Utah has just said that cottonseed oil is the only commodity affected by future contracts in regard to which we have not already acted. The Senator from South Carolina is, so to speak, my mentor in matters pertaining to cotton and cottonseed—I do not mean to say that he knows more about the subject than does the Senator from Texas, for I think the Senator from Texas is very well supplied with information and understands the question—and I should like to have the views of the Senator from South Carolina, because I know he was once chairman of the Committee on Agriculture and Forestry and has been a member of the committee for a long time.

Mr. McNARY and Mr. SMITH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. SMITH. If the Senator will allow me, I should like to say a word in reply to what the Senator from North Carolina [Mr. SIMMONS] has said.

Mr. McNARY. Mr. President, I do not care to yield my time for a speech. I have the floor, but I will be glad to yield for a question.

Mr. SMITH. I merely wanted to reply to the question which has been asked me. As a matter of course, if the Senator from Oregon has the floor, I will not interfere; but I will not let him interfere with me when I get the floor.

Mr. SIMMONS. Mr. President, I had the floor and yielded the remainder of my time to the Senator from South Carolina, because I really wanted to hear from him.

Mr. McNARY. Very well, I yield to the Senator from South Carolina.

Mr. SMITH. Mr. President, I should like to state that this bill in reference to a by-product of cotton known as cottonseed and its products is in line with legislation that we have applied to grain and cotton itself. I think that its purposes and, perhaps, the terms of the bill are such that it would be of great benefit to those who produce the raw material.

I desire to call the attention of the Senator from North Carolina [Mr. SIMMONS] to the fact that this bill pertains particularly to cottonseed oil. There are 58 standardized commercial by-products made from cottonseed alone; yet, strangely

enough, the oil is the controlling factor in fixing the price of the seed. The Senator is acquainted with the fact that there is not a finer cattle food in the world than cottonseed meal; there is not a finer fertilizer than cottonseed meal; there is not a finer filler for cattle than the hulls. Numerous articles of household use are made from compressed hulls. Yet the oil determines in the market the value of the various by-products.

It is interesting to note that cottonseed oil is not a substitute for but is the equivalent of animal fat. It makes as good butter as can be produced from the milk of the cow; it makes as good lard as can be refined from hog fat; it makes as good packing oil as can be extracted from olives, and yet when the price of hog products and animal products was soaring to the sky by virtue of their alleged scarcity, this article, equal in value, edible, digestible, was depressed in price because it came from cottonseed and the seed came from cotton. I took occasion to call the attention of some of the department executives to that fact, and asked why the edible fat taken from cotton should follow the price of the lint rather than the price of the market in which it was sold, namely, the market for edible fat.

I think the bill which the Senator from Texas has introduced, which will put under the administrative power of the Agricultural Department the control of this subject is along proper lines, and we hope that it will affect beneficially the grower of the product.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. COPELAND. The Senator, however, sees no reason, does he, why the persons who are in opposition to this particular measure should not be heard? It must be remembered that the present Committee on Agriculture and Forestry is a different committee, is presided over by a different chairman, it is a different organization entirely than the one which listened to the arguments two or three years ago. Certainly, in the interest of fairness and justice and ordinary decency, this bill should be recommitted in order that those other persons may be heard.

I have taken no positive stand on the bill and have refrained from objecting to it this morning, because I do not pretend to know the ins and outs of it, as the Senator from South Carolina does, but there are many persons who are in opposition, and is it not fair that they should be heard before this measure shall be acted upon?

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. SMITH. In reply to the suggestion I will say that I do not know; I have not been advised, nor have I taken the trouble to acquaint myself with the parties that desire to be heard. The only thing I had in view was my own judgment in reference to the benefits that might accrue to those who produce the raw material.

Mr. FESS. Will the Senator yield?

Mr. SMITH. Yes; I yield.

Mr. FESS. The Senator will recall that three or four—

The PRESIDENT pro tempore. The time of the Senator from South Carolina has expired.

Mr. McNARY. Mr. President, I feel no responsibility with respect to the present situation, except this:

Before I took the chairmanship of the committee, the New York Produce Exchange wrote a letter to the Senator from Nebraska [Mr. NORMAN], who was then the chairman, requesting hearings. For some reason that message was not dispatched to the office which I now occupy as chairman of the committee. The bill was brought before the committee in executive session and unanimously reported out favorably and is on the calendar. I feel that the produce people wanted a hearing, and if I had received that letter of request I certainly would have suggested that they have an opportunity to be heard.

I want to offer this as a compromise:

The statement has been made by the Senator from Texas and the Senator from North Carolina that if this bill is recommitted or referred by consent to the committee, it is buried for this year. I want to state that that is not the way we do business in the Committee on Agriculture and Forestry. If the bill is recommitted, I will promise early action; but I suggest, Mr. President, a way out of this whole situation:

If the Senator from Texas will consent that the bill may be referred to the committee, maintaining its status on the calendar, he will have lost nothing whatsoever, and it will give an opportunity for those who are opposing the bill to be heard and get into the record and supply information upon which an argument can be made against the passage of the bill.

The PRESIDENT pro tempore. The Chair will suggest that that may not be done. The bill is either before the Senate or in the committee.

Mr. CURTIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. McNARY. I do.

Mr. CURTIS. As I understand that order can not be made, I should like to suggest instead of it that the bill be passed over with the understanding that it will be passed over from time to time on a call of the calendar until the committee has had a chance to give these people an opportunity to be heard.

Mr. McNARY. The suggestion may not meet with the approval of the Senator; but, Mr. President, the same thing was done with respect to the migratory bird bill. When the Senator from Utah [Mr. KING] and the Senator from Washington [Mr. DILL] felt that they had not had a full opportunity to be heard, it was agreed as among gentlemen and Senators that we would not take up the migratory bird bill until opportunity had been given to these gentlemen to be heard. That compact was carried out. These able Senators appeared before the committee. The hearings there written into the record furnish the basis of the opposition to the bill to-day; and having seen that work successfully, in order to meet a situation here which is unfortunate, I make this suggestion.

Mr. MAYFIELD. I shall be very glad to accept the suggestion.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CARAWAY. Mr. President—

Mr. McNARY. I yield to the Senator from Arkansas.

Mr. CARAWAY. I simply desire to suggest that the hearings should be held within two weeks.

Mr. McNARY. Yes; I was going to say, further than that, if I may have the attention of the distinguished Senator from New York—

The PRESIDENT pro tempore. The Senator from New York has no intention of pressing his motion?

Mr. McNARY. Inasmuch as we have composed our differences by the suggestion I have made, I should like to take up this bill and have the Senator's constituents come here at as early a date as possible. I suggest Saturday of this week. Will that give sufficient time? Or Monday of next week?

Mr. COPELAND. Monday of next week would be better.

Mr. McNARY. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COPELAND. I thank the Senator.

Mr. FESS. Mr. President, will the Senator yield before he takes his seat?

Mr. McNARY. I shall be glad to.

Mr. FESS. That will include the Cincinnati users of oil?

Mr. McNARY. Oh, everyone.

The PRESIDENT pro tempore. The Senator from New York withdraws his motion for recommitment?

Mr. COPELAND. I do.

Mr. SMITH. Mr. President, may I ask the chairman of the Agricultural Committee a question? The parties interested in this bill may be notified that on Monday this question will be open for them to make such suggestions as they desire?

Mr. McNARY. Yes. I assume that the Senator from New York, leading the opposition, and the author of the bill, from Texas, can perhaps come to a common understanding, so that all parties may be fully represented.

Mr. SMITH. The reason why I asked that question is that I have been advised that in case the bill was to be re-investigated, if I may use that term, they wanted to be present; and I will notify them in order that they may be here Monday.

Mr. McNARY. They will be given the opportunity.

Mr. COPELAND. Will 11 o'clock on Monday suit the Senator from Oregon?

Mr. McNARY. Yes. Perhaps it would be well to go over until 10 o'clock on Tuesday, Monday being a day when the mail is congested from Sunday. Will 10 o'clock on Tuesday be better?

Mr. COPELAND. I suggest 11 o'clock on Tuesday.

Mr. McNARY. Very well.

BILL PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PRISON-MADE GOODS

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. WILLIS. Mr. President, will the Senator who objected—I did not note who it was—withhold his objection for a moment, until I make an inquiry? I desire to ask a question of the Sen-

ator from Missouri [Mr. HAWES], if I may have his attention. What is the intention of the Senator regarding Senate bill 1940?

Mr. BLEASE. I object to the consideration of the bill.

Mr. WILLIS. It has been objected to a number of times. Does the Senator from Missouri intend to move to take it up at any time?

Mr. HAWES. I do. That is my intention.

Mr. WILLIS. I am glad to be assured of that. I think this is a very important measure. I have been appealed to by—

Mr. BLEASE. Mr. President, I object to a speech on the bill. I have objected to its consideration.

The PRESIDENT pro tempore. The bill is passed over.

Mr. WILLIS. All right.

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. WILLIS. Mr. President, reserving the right to object—

The PRESIDENT pro tempore. The Senator does not have to reserve the right to object. He can object at any time, and he is now speaking on Senate bill 1462.

Mr. WILLIS. Exactly; and I begin just where I left off when I was cut off by the courtesy of my friend from South Carolina.

Mr. BLEASE. Mr. President, I will say to the Senator that we want to debate this bill, and I do not think it is fair for him, after the bill is objected to, to make a speech in favor of it, and then cut off somebody else from making a speech. If he wants to debate the bill, we will go at it right now.

Mr. WILLIS. I certainly have not endeavored to cut anybody off. I simply wanted to make an inquiry of the Senator from Missouri, and to state, as I now have a right to state, the reason why I hope he will later on insist upon his motion to take up this bill.

I have had numerous requests from people in Ohio representing the blind with reference to this bill. We have a school for the blind in our State, and a very special effort is made so to educate those people that they will be able to take care of themselves. It has been found that one of the best lines of activity in which they can be educated is in the manufacture of brooms; and, although we have in Ohio a law prohibiting the sale of convict-made goods, yet we find being shipped into the State from other States brooms in enormous quantities that are putting these poor blind people who are engaged in the manufacture of brooms entirely out of business.

I think that is unfair. I think some law of this character ought to be passed. It has the support of the labor interests of the country, of the manufacturers, of the organizations of women's clubs, and is, withal, a very meritorious measure.

Mr. BLEASE. Mr. President, reserving the right to object—

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. BLEASE. I do.

Mr. McNARY. Is the Senator going to object, or not?

Mr. BLEASE. To this bill?

Mr. McNARY. Yes.

Mr. BLEASE. I say I reserve the right to object. I want to take the same privilege that the present candidate for President from Ohio took in presenting my views. I did not want to take up the time of the Senate.

Mr. President, there are some of us who are very much opposed to the passage of this bill; and those of us who oppose it love the blind and will go just as far to help them as anybody on this floor.

The State of South Carolina has in her penitentiary a chair factory. If this bill is passed, it will force that State to feed and clothe prisoners without their having anything to do except to sit around in the yard, and we will have to pay somebody to watch them to see that they do not leave.

We do not object to certain amendments or certain restrictions. We had a hosiery mill in that penitentiary once, and it was abolished after a hard three years' fight, and a pardoning of 1,700 people who had been made to work in it and contract tuberculosis. It was a hell trap if there ever was one on this earth.

I do not want to speak of myself, but I was the cause of its being abolished. I was the governor of the State at the time. The work that is going on there now, however, does not injure any prisoner, nor does it injure anybody, or take a cent out of the pocket of anybody. If the bill comes up for discussion, we hope to be able to present our side of the matter.

I would not have taken this much time except that I may be a candidate for President myself before this thing is over, and I did not want any advantage taken of me.

Mr. HAWES. Mr. President, answering the inquiry of the Senator from Ohio, I have not called up this bill, because there has been so much misrepresentation as to its character and its objects that I desired Senators to secure through their own methods information as to the real objects of the bill.

The bill is supported by union labor. It is supported by the Federation of Women's Clubs of the United States. It is supported by free capital. It does not interfere with the right of the State of the Senator from South Carolina to do as it pleases, but it denies him the right to send his prison-made goods into a State that prohibits their sale. That is all it does do.

The bill has passed the House three times, has been twice reported favorably to the Senate, and I certainly expect to bring it up and pass it under a roll call.

Mr. McNARY. I object at this time to the consideration of Senate bill 1940, because I have an amendment pending. I want to consult the files and some other records. At the present time I ask that it go over.

COLUMBIA BASIN RECLAMATION PROJECT

The PRESIDENT pro tempore. The bill has been passed over. Senate bill 1462, the Columbia Basin bill, is before the Senate for the moment. This bill was amended on the last call of the calendar.

Mr. SMOOT. I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. BAYARD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3023) to revise the boundary of a portion of the Hawaii National Park, on the island of Hawaii, in the Territory of Hawaii, was announced as next in order.

Mr. KING. Mr. President, I have no objection to the consideration of this bill; but I think the Senator from Wisconsin raised some point about it the other day, and I was wondering if the matter had been adjusted.

The PRESIDENT pro tempore. Which Senator from Wisconsin?

Mr. KING. The senior Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. BLAINE. Mr. President, I have a memorandum asking that the bill go over unless there is a fairly intelligent expression of the purpose of the bill from the chairman of the committee. The chairman of the committee is absent, and therefore I ask that it go over.

The PRESIDENT pro tempore. The Senator who introduced the bill and the Senator who reported the bill, being the same Senator, is absent; and the bill will be passed over.

LEVI R. WHITTED

The bill (S. 1956) for the relief of Levi R. Whitted was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments. The first amendment was, on page 1, line 6, to strike out "\$3,630.92" and insert in lieu thereof "\$2,500."

The amendment was agreed to.

Mr. KING. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials was announced as next in order.

Mr. WILLIS. Mr. President, that is the bill to which I referred when we had reached Calendar No. 226. It ought to go over for discussion when we take up the other bill.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3062) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was announced as next in order.

Mr. BAYARD. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was announced as next in order.

Mr. KING. Mr. President, my attention was directed to this bill this morning, but not in time to enable me to examine it to see whether it would constitute a precedent that would govern in other cases. I shall be glad at the next call of the calendar to consent that it be taken up.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. Mr. President, I make the same announcement as to that bill as to the previous one.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1731) to provide for the more complete development of vocational education in the several States, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark., was announced as next in order.

Mr. CARAWAY. Mr. President, we have agreed on some additional language for that bill, and I believe I shall just ask that it be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. CURTIS. Mr. President, several Senators have called up about that bill, so I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1970) for the relief of Karim Joseph Mery was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

COTTON AND GRAIN SALES IN FUTURE MARKETS

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. RANDELL. Mr. President, I shall want to debate the bill, and it will take several hours.

The PRESIDENT pro tempore. That can not be done under the five-minute rule.

Mr. RANDELL. I simply wanted to make that statement. I am entirely willing to have the bill taken up now.

Mr. SMOOT. Does the Senator object to the consideration of the bill?

Mr. RANDELL. No; I do not object to its consideration. Some one else will have to object.

Mr. CURTIS. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CARAWAY. Mr. President—

Mr. CURTIS. I have no objection to having the bill taken up, but the Senator from Louisiana announced that it would take hours.

Mr. CARAWAY. I myself think it is rather a large proposition. I particularly want to get the attention of the senior Senator from Kentucky [Mr. SACKETT]. This bill is of very great importance, and I hope that the steering committee will give us a place on the program for the consideration of it. If the Senator will do that for us—

Mr. SACKETT. I shall be very glad to have the Senator come before the committee. It meets every Monday at 2 o'clock.

Mr. CARAWAY. What I want is to have the bill placed on the program.

Mr. SACKETT. We would like to see whether it is a proper bill to be given a special order.

Mr. CARAWAY. Is it the purpose of the committee to determine that every bill of which they do not approve shall not have any consideration?

Mr. SACKETT. No; we are trying to work in an orderly way in the Senate, and to get through the best legislation we can.

Mr. CARAWAY. This bill is of very great importance, and very far-reaching, and it is the consensus of all I know that it ought to have consideration. Whether it ought to pass or not is what everyone must decide for himself, but there should be chance for consideration.

Mr. SACKETT. I suggest that the Senator come before the committee at its next meeting and we will talk it over.

Mr. CARAWAY. Very well. I feel certain that the Senator will give the bill a status.

MARINES IN NICARAGUA

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua, was announced as next in order, the clerk also stating that it had been reported adversely from the Committee on Foreign Relations.

Mr. CURTIS. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. HEFLIN. Mr. President, reserving the right to object, my resolution (S. J. Res. 57) to withdraw the armed forces from Nicaragua was just passed over at the request of the Republican floor leader, Senator CURTIS. The resolution has been adversely reported from the Committee on Foreign Relations.

I was very anxious to get a vote on my resolution, but since the receipt of the resolution passed at Chicago last Saturday night, to which I referred this morning, I am going to be led to amend my resolution when it is reached again, so as to give the Congress an opportunity to say whether or not the President shall withdraw our armed forces, or whether or not he shall come to Congress and obtain consent to keep them in Nicaragua.

Mr. CURTIS. I asked that the joint resolution go over, because I was told by the chairman of the Committee on Foreign Relations that it would take some little time, and I knew it could not be disposed of before 2 o'clock.

The PRESIDENT pro tempore. Is there objection to the consideration of Senate bill 3555?

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

RATES AND CHARGES IN INTERSTATE COMMERCE

The joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, was announced as next in order.

Mr. THOMAS. Mr. President, at the request of the Senator from Virginia, I ask that this joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

INDEBTEDNESS OF THE SERBS, CROATS, AND SLOVENES

The bill (H. R. 367) to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in

Senate Document No. 106, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

Sec. 2. The amount of the indebtedness to be funded after allowing for certain cash payments made by the Kingdom of the Serbs, Croats, and Slovenes is \$62,850,000, which has been computed as follows:

Principal of obligations acquired for cash advanced under Liberty bond acts.....	\$26,126,574.59	
Accrued and unpaid interest at 4½ per cent per annum to Dec. 15, 1922.....	4,073,423.14	\$30,199,997.73
Principal of obligations acquired by Secretary of War for surplus war supplies sold on credit.....	24,978,020.99	
Accrued and unpaid interest at 4½ per cent per annum to Dec. 15, 1922.....	3,358,790.45	28,336,811.44
		58,536,809.17
Accrued interest at 3 per cent per annum from Dec. 15, 1922, to June 15, 1925.....		4,390,260.60
		62,927,069.86
Credits:		
Payments on account of principal since Dec. 15, 1922.....	\$66,709.19	
Interest thereon at 3 per cent to June 15, 1925.....	3,248.28	69,957.47
Total net indebtedness as of June 15, 1925.....		62,857,112.39
To be paid in cash upon execution of agreement.....		7,112.39
Total indebtedness to be funded into bonds.....		62,850,000.00

Sec. 3. The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, on a fixed schedule subject to the right of the Kingdom of the Serbs, Croats, and Slovenes to postpone such payments falling due after June 15, 1937, for two years, such postponed payment to bear interest at the rate of 4½ per cent per annum. The amount of the annual principal installments during the first five years shall be \$200,000. Commencing with the sixth year the annual principal installment shall increase \$25,000 a year for the succeeding seven years. Commencing with the thirteenth year the annual principal installment will be \$400,000, the subsequent annual principal installments increasing until in the sixty-second year of the debt-funding period the final principal installments shall be \$2,406,000, the aggregate principal installments being equal to the total principal of the indebtedness to be funded into bonds.

Sec. 4. The Kingdom of the Serbs, Croats, and Slovenes shall have the right to pay off additional amounts of principal of the bonds on June 15 and December 15 in any year.

Sec. 5. The bonds to be issued shall bear no interest until June 15, 1937, and thereafter shall bear interest at the rate of one-eighth of 1 per cent per annum from June 15, 1937, to June 15, 1940; at the rate of one-half of 1 per cent per annum from June 15, 1940, to June 15, 1954; at the rate of 1 per cent per annum from June 15, 1954, to June 15, 1957; at the rate of 2 per cent per annum from June 15, 1957, to June 15, 1960, and at the rate of 3½ per cent per annum after June 15, 1960, all payable semiannually on June 15 and December 15 of each year, until the principal thereof shall have been paid.

Sec. 6. Any payment of interest or principal may be made at the option of the Kingdom of the Serbs, Croats, and Slovenes in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVERSIDE INDIAN SCHOOL, ANADARKO, OKLA.

The bill (H. R. 8326) to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla., was considered as in Committee of the Whole.

Mr. KING. Mr. President, does the Senator from Oklahoma think that this is wise and proper legislation?

Mr. THOMAS. Mr. President, I am personally acquainted with conditions at the Indian school at Anadarko, Okla. This school is one of the two schools located on the Apache, Comanche, and Kiowa Indian Reservation. This bill authorizes the appropriation of funds for the construction of a dormitory for boys at the Anadarko school. The present boys' dormitory was constructed 45 years ago, 20 years before the reservation was open to settlement and at a time when there was no railroad within 20 miles of Anadarko. The brick of which this old dormitory was constructed was of a very inferior quality. The building is in a bad state of repair, really in a state of no repair. The building has no basement, and the ceilings are low. At the time the building was constructed it was thought to be modern, but, of course, times have changed.

In addition to the condition of the building it is entirely too small to properly accommodate the boys at this school. I know personally that wooden porches have been constructed on one side of this old brick building, and those porches are nothing

more than screened-in wooden structures, and the boys are required to sleep out there and live out there during the winter-time when they are at school. There is no place in the United States, in my judgment, where a new building is more badly needed than at this particular Indian school.

Mr. KING. Mr. President, how many students are there?

Mr. THOMAS. Something like two or three hundred.

Mr. KING. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8831) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2319) for the relief of John W. Stockett was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 362) to provide for the advancement on the retired list of the Navy of Lloyd Lafot was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3117) for the relief of the State of Connecticut was announced as next in order.

Mr. JONES. May we have a brief explanation of the bill?

Mr. KING. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

MOUNT MCKINLEY NATIONAL PARK

The bill (H. R. 8126) to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park in the Territory of Alaska," approved February 26, 1917, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act to repeal the proviso of section 6 and the last proviso of section 7 of 'An act to establish the Mount McKinley National Park, in the Territory of Alaska,' approved February 26, 1917."

BILL PASSED OVER

The bill (S. 2336) for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, May Fee, Willis E. Young, Daniel E. Turbeville, Clarence C. Spears, and Ina Mae Elkins was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

The bill (S. 3116) providing for half holidays for certain Government employees was announced as next in order.

Mr. FLETCHER. I want to suggest an amendment to the bill.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

REISSUE OF DEFECTIVE PATENTS

The bill (S. 2823) amending the statutes of the United States with respect to reissue of defective patents was considered as in Committee of the Whole.

Mr. KING. Mr. President, may I ask the Senator from Rhode Island [Mr. METCALF] if the bill attempts to deal with what is conceded by many at least to be an unsatisfactory condition in the Patent Office or in the patent law?

Mr. METCALF. Oh, no; there is no attempt to do that in the bill. It applies only in case there is some mistake. It does not even increase the length of the life of the patent. Under

it if there is some little thing that is wrong, a man will not lose his patent.

Mr. KING. It is such a big bill in words I did not know but that there were a lot of concealed meanings in it.

Mr. DILL. Mr. President, I want to say to the Senator that the only object sought to be accomplished by the bill is a simplification in the reissue of patents. The whole section of the law referring to that matter has been reprinted. There is nothing in the bill which would in any way change the basic patent law.

Mr. KING. May I say to the chairman of the committee, while I have the floor, that it seems to me no better service could be rendered the real inventor and the American people than to revise our patent laws.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is S. 1271, the migratory bird bill.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. The junior Senator from Utah has the floor.

Mr. KING. I yield to my colleague.

Mr. SMOOT. I want to submit a few remarks on another subject.

Mr. KING. Very well; I yield the floor.

The PRESIDENT pro tempore. The senior Senator from Utah is recognized.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Simmons
Barkley	Frazier	McNary	Smith
Bayard	Gerry	Mayfield	Smoot
Blaine	Gillett	Metcalf	Steck
Blease	Glass	Moses	Steiner
Borah	Gould	Neely	Stephens
Broussard	Harris	Norbeck	Swanson
Bruce	Harrison	Norris	Thomas
Capper	Hawes	Nye	Tydings
Caraway	Hayden	Oddie	Tyson
Copeland	Heflin	Overman	Wagner
Curtis	Johnson	Phipps	Walsh, Mass.
Cutting	Jones	Pittman	Warren
Deneen	Kendrick	Ransdell	Waterman
Dill	Keyes	Sackett	Watson
Edge	King	Sheppard	Wheeler
Edwards	McKellar	Shipstead	Willis
Fess	McLean	Shortridge	

The PRESIDING OFFICER (Mr. EDWARDS in the chair). Seventy-one Senators having answered to their names, a quorum is present.

CONDITIONS OF UNEMPLOYMENT

Mr. SMOOT. Mr. President, it is gratifying to learn from the report of the Secretary of Labor that while unemployment exists in the country, the evil is far less serious than certain alarmists have represented it to be. Unemployment in any volume is always a misfortune, not only to the immediate sufferers but to the entire country. People out of work are out of the market. They have ceased to consume. When they exist in any considerable numbers the effect is felt by business in general. The effect is more than a financial loss resulting from lowered consumption. The sight of any number of the unemployed depresses all others. It fills them with caution, if not with fear, and makes them timid buyers. The mere rumor of widespread unemployment has a demoralizing influence. Of late we have listened to wild and random estimates as to the number of people out of work at present. They have filled the country with alarm, and undoubtedly have tended to lessen confidence and depress business. It is a great relief to find these baseless rumors spiked by fully equipped and thoroughly accredited Government officials.

While it is a serious thing for any country to have 1,800,000 of its people out of work and deprived of their earnings, there are other relieving features in the situation besides the fact that the number of unemployed is no higher than it is. We learn from the report submitted by the Secretary of Labor that by far the most of these unfortunate people are unskilled labor. It will thus be easier to fit them into emergency jobs such as are rapidly becoming available in the vast programs of building and construction undertaken by the National Government and by States and municipalities all over the country. Much of this unemployment, we learn, is due to adverse seasonal influence. The advance of spring and summer, with the

beginnings of farm work and stimulation to building, should open employment to many thousands. The Secretary of Labor is further encouraging in his belief that the forces which have brought about such unemployment as we have are passing phases of our economic life.

Most encouraging of all is the attitude of the public. In former times we tended to allow unemployment to reach serious proportions before it was noticed at all. Few serious, deliberate, and practical efforts were made to relieve it, and these were generally too late to accomplish any good. Now we are alert to discover it and prompt to act. Doing this will result in good, even though it was otherwise intended.

Our country leads not only in high wages and excellent working conditions but also in commercial prosperity. We are thus able to do more than any other country in the world for those who for various reasons are temporarily unemployed. Our fortunate situation places upon us the obligation not only to devise but to put into immediate operation constructive measures to meet the necessities of those deprived of work. I believe our people now keenly feel this obligation and are ready to act upon it.

In my opinion the attention of the country should be directed more and more to the causes of unemployment. We do well to aid without delay those who suffer by this economic disease. It is better to get after the disease itself. In this report the Commissioner of Labor Statistics states:

It is not unreasonable to believe that one-half of the employment shrinkage shown is due to new machines and new mechanical devices.

I am informed that hardly a day passes but the Department of Labor receives reports of acute situations resulting from the introduction of new labor-saving machinery.

In one industry, for instance, a new machine has been installed to do the work formerly done by 12 men. Only four persons are needed to operate this device. Its effect on the industry in which it is used depends upon the individual employer who uses it. One employer, I am told, employs four men to run this machine, and pays each one the average earnings of a former handworker. Yet, even in this instance eight men have been displaced by the machine. Another employer, however, using the same machine, employs four women to run it, and pays them 60 cents each per thousand for the output they produce. That is, he pays \$2.40 for an output that formerly cost him \$12 by the old hand methods. It means that 12 skilled men have been released by each machine and their places taken by women willing to work at a little more than half the former wages paid. I am not objecting to the employment of women in industry, but where four women, with the aid of a machine, can turn out the same product as four men, it seems to me only business sense to pay them the same wages. I cite the case only to show what an unwise employer can do to add to unemployment and lowered earnings by taking an uneconomic advantage of new labor-saving machinery.

This is going on in every industry and at a rate which requires to be watched. The President of a certain labor organization reports that in the last few years 11,000 jobs in his craft have been abolished because of new automatic machinery. Between 1920 and January 1, 1925, the number of tractors on farms in the United States had increased 105.9 per cent, which is an answer to those who think that "back to the farm" is a remedy for unemployment in the cities.

In the near future the automatic dial system will be nearly universal in the telephone service. What this will do to displace workers is indicated by the fact that Greater New York has 20,000 telephone operators, nearly all of whom will no longer be needed. The prediction has been made that by 1930 there will not be a telephone girl in the District of Columbia.

These instances can be multiplied indefinitely. We could not, if we would, halt the development of new machinery and methods. They come in answer to the human need for more and cheaper goods and because of the profits in greater sales. It is highly desirable that life should be bettered and human labor lightened by these ever more wonderful and capable mechanical marvels. But we pay for this advance in the people these devices turn from their jobs, and this goes on at a rate that will soon compel serious attention and more practical remedies than calling conferences, writing books, or making speeches.

Commissioner Stewart well says that waiting for new industrial development is of little avail to these people. Their jobs are gone. Inventive genius, he tells us, must devise new industries, new public needs must be found and met. The time has come when the employer who plans to equip his plant with new mechanical devices must regard, as a natural accompaniment to this new step, the duty of finding new occupations for the men he is going to displace. I believe the same public opinion, now so much aroused over the present conditions of unemployment,

will some day be strong enough to force this humane attitude on every employer.

As a matter of fact, alert business men are already awake to this necessity of developing new inventions and new industries. One man has begun, as a separate business, the fostering and financing of new inventions. The editor of a scientific weekly reports that manufacturers are applying to him in considerable numbers for information regarding new commodities with a fair chance of pleasing the public. And the same editor reports that since January 1 of this year the number of patents applied for to his immediate knowledge exceeds by far all previous records.

Business men in general now well understand that any considerable body of people out of employment are a menace to the prosperity of all. They realize that unemployment takes hundreds of thousands of consumers out of the market, and that maximum prosperity results only when every worker is employed and paid at a rate that will give him full purchasing power. There is every humanitarian reason why unemployment should be prevented, so far as we are able to do so; but there is thus a strong economic and business reason for watching these causes of unemployment and stopping them, so far as we can.

Nothing so demoralizes a man as vainly searching for work. No one who has not sympathetically witnessed this human demoralization which comes from the protracted and unsuccessful search for work can fully realize the invisible and incomputable cost to industry and to mankind that results from that demoralization. Loss of wages, loss of production, loss of purchasing power, can be at least approximately counted in dollars and cents. The utter shattering of morale can not be computed. It can nevertheless be felt by the entire country. Remedies for unemployment can not be supplied by laws. The remedies must come through thought and action—the thought and action of many minds. I think the Senate, in obtaining this information as to the exact amount of unemployment, has done much more than relieve the country of alarm. It has focused national attention on these causes of unemployment, and out of that stimulated attention will come, I hope, the ultimate remedy.

I call to mind the proclamation of George Washington to the people of the United States, dated October 3, 1789, which history records as follows:

May we unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions; to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render our National Government a blessing to all the people by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed, to protect and guide all nationals and to bless them with good governments, peace, and concord; to promote the knowledge and practice of true religion and virtue, and the increase of science among them and us; and generally to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

The Great Creator of this world has blessed America beyond any other country. He placed within her borders the basic materials upon which great industries are established and maintained. Her greatness is not found alone in her unlimited resources, but also in her manhood and womanhood. Nothing should be done to shake the confidence of the people in their Government. Senators, it is great to be an American. Let us sustain the laws and Constitution of our country. God protect and bless America.

Mr. SMITH. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. I yield.

Mr. SMITH. The tenor of the Senator's argument in explaining why there is so much unemployment was to the effect that labor-saving devices have become so universal, especially in the manufacturing plants of America, that vast armies of erstwhile employed have been turned loose.

Mr. SMOOT. The Senator has made the statement in a very much broader way than I made it.

Mr. SMITH. Then to whatsoever extent the Senator had in mind, he says this movement is going on, and he gave us an illustration that in the telephone business the invention and use of the little dial would turn loose in New York City, perhaps, 20,000 telephone operators. The Senator gave that as an illustration. Every man who is at all acquainted with manufacturing processes knows that labor-saving devices are more generally employed in manufacturing plants than elsewhere. Therefore, as labor-saving devices are perfected and adopted from time to time, labor is turned loose.

The Senator from Utah is the high priest of the protective tariff. We have been met with the argument upon this floor every time the question has been brought up that we were not justified in demanding that American labor should be put on a footing with the pauper labor of Europe. Now, according to the Senator's argument, Europe at least gives employment to her so-called pauper labor, while our protective and imperialistic manufacturers turn laboring men out on the street. I presume that we will be asked to keep the tariff up not in order to protect American labor but to protect and improve labor-saving devices. That is the logic of the situation. Although the effect of the adoption of labor-saving devices is to turn loose on helpless society millions of unemployed, yet, because it is more profitable to employ labor-saving devices than it is man power, labor-saving devices will be employed and man power will be turned loose. Are we to maintain a high protective tariff for the purpose of increasing the power of the few further to develop labor-saving devices and to protect machines as against human beings? That is the point.

Mr. SMOOT. Mr. President, of course the Senator has looked at only one phase of the situation; he has missed the whole idea. He took one part of what I said, but never took into consideration the remainder. I wish to say to the Senator that labor-saving devices have been and are being adopted by foreign countries. I wish to say further that our foreign competitors will produce goods with similar machines just as cheaply as they can be produced in the United States, even if wages were the same; and, without protection to American industry, that there would be not only 1,800,000 men out of employment at this time, but there would be five or six or seven million out of employment.

It has been stated upon this floor that there were four or five or six million people out of employment. That was an exaggeration; the figures do not justify such a statement. In regard to the situation in New York the reports of that State as to unemployment in New York show the percentage to be 5.8, and that is approximately what the estimate is for the entire United States. That includes the voluntary as well as the involuntary unemployed.

I cut from a newspaper only this morning a notice concerning a dispute between the bricklayers and the steel board. The clipping goes on to say that in New York five or six thousand men working on 11 skyscrapers which are being erected in the city of New York are walking out to-day. That may happen at any time.

Mr. SMITH. There is another feature—

Mr. SMOOT. Wait a moment. That condition will happen at any time whenever there is a dispute between the builders of skyscrapers or the operators of any industry and the men who are employed. There is nothing that will stop that. Nothing can stop it. They have the right to strike, and they should be protected in their rights. There never will be a time when there is not some unemployment in the United States; but, as compared with any other country in all the world, there is no unemployment to speak of in the United States.

Mr. SMITH. Just one other feature of the Senator's very remarkable and illuminating and helpful statement: In proportion as these labor-saving devices are installed, the Senator will agree that that is an evidence that it is more profitable to employ the labor-saving devices than to employ human labor?

Mr. SMOOT. Why, certainly; and everybody knows it—that is, I mean, they can make goods cheaper.

Mr. SMITH. Yes; they can make them cheaper.

Mr. SMOOT. And in order to do that they have to compete with the world; and that is what they are trying to do now, and are doing, in many industries in the United States.

Mr. SMITH. In the record of several manufacturing concerns with which I am personally acquainted I have seen no evidence whatever of any reduction in price. The installation of the labor-saving devices has not resulted in any appreciable decline in the price of the product.

Mr. SMOOT. Then, Mr. President, the Senator has not followed the industries of the country. If they had not had the improved machinery, and had paid the same wages that they are paying to-day, the prices to-day would not be the same that they are to-day. They would be a great deal higher, and the Senator knows it.

Mr. SMITH. That is a mere inference, Mr. President.

Mr. SMOOT. It is not an inference; it is an absolute fact.

Mr. SMITH. The facts are that manufactured articles to-day are out of all line with any time in our history; and the facts are that there are more absolutely unemployed than ordinarily during what we might term a normal period. We are 10 or 12 years away from the World War; and surely this wonderful "prosperity" that has been proclaimed abroad ought not

to give rise, even in the wildest imagination, to the idea that we have an army, according to the Senator's own admission, of over 1,000,000 able-bodied men and women walking the streets.

Mr. WALSH of Massachusetts. Nearly 2,000,000—1,800,000.

Mr. SMITH. I am corrected here—practically 2,000,000; and that is a mere estimate on the part of the Senator.

Mr. SMOOT. No; it is not a mere estimate on the part of the Senator.

Mr. SMITH. My impression is that it is nearer the original mark of 5,000,000 than 2,000,000; and if we were to take a census of the unemployed throughout this country by virtue of the absorption of capital within certain arbitrary regions, and the earning power of the masses being cut to the bone, if we had a census of those actually unemployed to-day—I do not mean the voluntary unemployed ones; I mean those that are forced out of jobs—it would far exceed the figure that the Senator has stated.

Mr. SMOOT. Evidently the Senator has not read the report of the Department of Labor. If the Senator will read that report, I think he will come to the conclusion that it is absolutely fair. There is no time when there have not been about a million men out of employment in the United States, necessarily so, in the regular change of business.

Mr. SMITH. Oh, temporarily out of employment, perhaps.

Mr. SMOOT. That is the case here. These people are temporarily out of employment.

Mr. SMITH. The Senator from Massachusetts a few days ago spoke with some authority from his region. Other Senators rose and gave the facts as they pertained to their localities. Now the Senator from Utah gets up and explains it on the ground that labor-saving devices have been employed by the great protected interests of this country, and have turned loose this flood of American citizens without any employment at all; and then he asks us to pass a tariff bill to protect machines as against human beings in a foreign country!

Mr. WAGNER. Mr. President—

Mr. SMOOT. I think I have the floor.

Mr. WAGNER. Oh, pardon me.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. McKELLAR] has the floor. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. SMOOT. Pardon me, then.

Mr. McKELLAR. I yield to the Senator from North Carolina [Mr. SIMMONS], who has been on his feet for some time.

Mr. SIMMONS. Mr. President, I desired to interrupt the Senator while he was making his statement. I have been delighted to see that the Senator is not only familiar with many statistics and practically all the governmental statistics, but the Senator has developed into a real orator and made his speech in a strain of eloquence that we rarely hear in this Chamber. I am glad to see him in this new rôle; but I should like to ask the Senator where he got all of the statistics that he has given the Senate with reference to these new inventions and the number of people who have been put out of employment because of these new inventions?

Mr. SMOOT. I am quite sure the Senator has not followed the reports in the press. Not only that, but I will say to the Senator that I get the statements from the Department of Labor here as to unemployment. If the Senator will read the report to which I referred, I think he will become convinced that it is absolutely correct.

Mr. SIMMONS. When was that report made?

Mr. SMOOT. It was made since the speech of the Senator from New York [Mr. WAGNER] in answer to that. Of course, they are making these examinations all the time.

Mr. SIMMONS. In other words, the objective of the speech of the Senator from Utah to-day is to account for the enormous number of unemployed people in this country.

Mr. SMOOT. Not the enormous quantity; the actual number.

Mr. SIMMONS. I think I may use that term properly, and I think I should.

Immediately upon its being brought to the attention of the country that there was an enormous amount of unemployment, estimated conservatively by the press of the country at that time at least 4,000,000 people, the governmental department concerned became exceedingly active in preparing arguments and securing statistics for the purpose of answering those estimates, which seemed to be so inconsistent with the contention of the party in power that prosperity prevails. It had been the avowed purpose of the administration to make "prosperity" the slogan of the next campaign, and these unemployment facts upset its prosperity propaganda, and it was seen therefore that they must be answered; this program would be upset, so these agencies of the administration got to work for the purpose of

seeing if they could not find an answer, and they now present their answer in the speech of the Senator from Utah.

Mr. SMOOT. No; in the report that was made yesterday.

Mr. SIMMONS. Ah, the report that they made, and that report was sent to the Senator from Utah, and the Senator from Utah is the mouthpiece of these agencies that have been engaged in the work of trying to answer these published charges that went the rounds of the press and which seemed to be confirmed and generally acquiesced in.

Mr. SMOOT. Is there any other agency in the United States that could get that information? Is there any other agency anywhere?

Mr. SIMMONS. Yes.

Mr. SMOOT. Where?

Mr. SIMMONS. I will give it to the Senator if he will be quiet a moment.

Mr. SMOOT. I know that there is not.

Mr. SIMMONS. If this information is to be furnished as the guide of the people, and if the people are expected to rely upon this information, I should like to have it gathered by people who are not interested in discounting the facts.

I have in my hand a telegram that came to me when this question was first presented to the Senate by the Senator from Massachusetts [Mr. WALSH]. The telegram is signed by Mr. F. D. Grist, who is the commissioner of labor and printing of my State, and is with reference to unemployment there. The date of it is March 7. I did not read it on the day it was received because I did not come into the Chamber on that day until after the debate was over. This telegram was a reply to an inquiry that I had wired Grist for the purpose of ascertaining the amount of unemployment in my State.

North Carolina has been regarded by the country at large as one of the most prosperous areas in the Republic. While New England was suffering with lack of employment in her textile industries, those of North Carolina were running full time and apparently we were enjoying a degree of prosperity that was not enjoyed even in the great protected State of Pennsylvania. We had no strikes; we had no people who were threatened with eviction and against whom the doors of factories were locked.

Commissioner Grist has a system in North Carolina that, as I understand it, enables him to ascertain definitely at short intervals the number of people out of employment. He does this by means of suboffices scattered all over the State, whose agents in charge make daily or weekly reports to the Raleigh office as to the unemployment conditions in their respective districts. It is the business of these agents to check up every day the number of people usually employed who are then out of employment and to try to procure employment for them. On March 7 his reports showed an appalling fact, which I was very loath to publish. It was that 70,000 people, representing about 30 per cent of the total employed, were then out of employment in my State.

Commissioner Grist's telegram is as follows:

RALEIGH, N. C., March 7, 1928.

Hon. F. M. SIMMONS,

United States Senate, Washington, D. C.:

Approximately 70,000 unemployed in North Carolina. About 30 per cent of total number employed represented by the number of unemployed.

F. D. GRIST.

Mr. President, the Senator has appealed—I presume he has; his party has, at least—to the department that he says is the only department that can gather these statistics to gather information in order to enable him to answer this charge that overwhelmed and discounted the main slogan upon which the Republican Party expected to win the election next November; and here comes the story the Senator wished for from the head of an executive department of this administration, and the story is that this unemployment is the result of new machinery, inventions, and devices by which people are thrown out of work.

The Senator from South Carolina [Mr. SMITH] asked a very pertinent question: "Has this been accompanied with a commensurate reduction in the price of manufactured products?" The Senator answers that it has. But, Mr. President, let me call the Senator's attention to the fact that these new instruments and the new inventions to which he refers, reducing the cost of production in the arts and in the industries, do not apply to agriculture. There have been but few labor-saving machines produced that are applicable to agriculture, as the Senator from South Carolina, who is familiar with this question, will bear me out.

Yet in agriculture, where there have been no such inventions to throw people out of employment and to reduce the cost of production, the products of the farm have continuously fallen in price, while the products of the industries where these

labor-saving machines are used have not fallen in any such proportion, if at all, as the result of their use.

Mr. President, I do not accept the facts that are now presented by the Department of Labor. I do not admit that this departmental inquiry has been an impartial one. On the contrary, I believe there is reason at least to suspect that a political motive is involved in the low estimate made. Nobody will say that the State I represent is not representative of the highest industrial progress and prosperity in the United States. Nobody will say that North Carolina has suffered more than any other States in this Union. No one probably will argue that my State has suffered even equally in the loss of employment by its people with the majority of the States of this Union. But if other States have suffered in the same proportion that Commissioner Grist says North Carolina has suffered in the matter of unemployment, then instead of there being a million unemployed, or 1,800,000 unemployed, there are between three and four million people unemployed in the United States.

I did not rise except for the purpose of expressing my dissent to this answer of the Republican Party, through its spokesman in this Chamber, to the facts and charges that were not disputed anywhere until the filing of this report, formulated upon statistics gathered—in what manner I can not say—by those who were seeking desperately to find some way to save their exploded issue of "prosperity."

Mr. WALSH of Massachusetts. Mr. President, the statement of the Senator from Utah has been most illuminating. We have the frank admission from him that the unemployed of the country, whatever the number may be, can expect no remedy through legislation. We ought to be grateful to have that information at least.

We have also received from him the information that the present unemployment and depressed business condition of this country is due to the inventive genius of the American people.

Mr. SMOOT. Partly so.

Mr. WALSH of Massachusetts. We have made such tremendous strides in inventions that we are doing away with employment, and the army of unemployed must continue to steadily increase without any remedy that can be proposed by the Government.

Mr. SMOOT. I know the Senator does not want to do an injustice to me.

Mr. WALSH of Massachusetts. I certainly do not.

Mr. SMOOT. I never made any such statement as that. That was only a reference to some of the things that led to unemployment.

Mr. WALSH of Massachusetts. What reason has the Senator given for the unemployment?

Mr. SMOOT. There is seasonal unemployment, for one thing.

Mr. WALSH of Massachusetts. Because it is winter or spring? Is that seriously stated as the cause of the present grave unemployment situation?

Mr. SMOOT. And voluntary unemployment is another. I will say to the Senator now that just as soon as spring opens, and men go to the fields, and go to the building of houses, mechanics of all kinds, this country will have employment.

Mr. WALSH of Massachusetts. Does the Senator withdraw the statement, I understood him to make, that the present unemployment is due to the large number of machine inventions that are doing away with the necessity of a great number of employees in the manufacturing industries and commercial establishments of the country?

Mr. SMOOT. The Senator could not have listened to what I said. That was only an incidental thing that I had reference to. I called attention to one machine and stated just exactly what was happening. I did refer to the telephone disk that was coming out, and I believe with all my heart that there will not be a telephone girl employed in the District of Columbia by 1930. I do not think there will be one. That is only incidental, however. I called attention to that fact in what I stated.

Mr. WALSH of Massachusetts. Then I can only say that I have not been enlightened by what the Senator said as to the causes of unemployment.

Mr. SMOOT. That may be.

Mr. WALSH of Massachusetts. I did understand the Senator to give considerable attention in his prepared address to the suggestion that modern inventions were rapidly doing away with the number of workers in our population.

I want to call attention to this fact, that with all our marvelous inventions and our improved mechanical devices, and our mass production, there have been little or no benefits of a financial nature to the American public at large. All these great inventions, all this movement toward mass production which is

doing away with the independent producer and manufacturer, has resulted and is resulting in increased cost of living to the American people, and is unfortunately resulting, according to the Senator from Utah, as I understood him, in reducing the number of employees in the country. If the cost of living is not reduced and the number of unemployed increases, of what benefit to the masses are these modern inventions?

Mr. President, I refuse to take the position that there is no remedy of a legislative character against increasing unemployment. One of the greatest curses of modern civilization is unemployment. For years past, since the World War, there have been, and there are now, at this very moment, departments of this Government studying and planning military defense and a military defense policy for this country in the event of another war. They have ready to present quickly a legislative program providing for conscription of man power and industry, the formulating of plans for financing, and the military tactics to pursue in the event of a future war. Why not a board of officials to study, anticipate, and prepare to meet the recurring internal conflicts that bring so much grief and so many hardships to the families of the wage earners? Are economic convulsions that impoverish millions and cause sickness, destitution, and misery to vast numbers of our neighbors of no concern to the Government?

I believe a government which is organized to promote the "happiness and well-being" of human beings should be active and alert in remedying the condition that now confronts the country, and which may result in as serious injury as a great conflagration or earthquake, either of which stirs instantly the whole Nation with the spirit of giving quickly in order to send prompt relief to the sufferers. It appears that our hearts and pocketbooks are only touched by the calamities that come suddenly and unexpectedly.

How much longer must this Nation decline to extend a helping hand or offer to make a serious study of the present unemployment catastrophe which has been increasing in proportion steadily for more than two years? It is bad enough not to advance some help or remedy, but the discouraging feature is that many in places of leadership refuse to admit the very existence of the problem.

There are many aspects of this question that a board such as I suggest could study as a basis for remedial recommendations. For instance, it could anticipate periods of unemployment by having plans for new governmental work prepared. Also, it should study the important question of unemployment insurance. But nothing will be, or can be accomplished, if the personnel of such a board is unsympathetic with the subject or indifferent to the wants and needs of the wage earners whose lives are affected very vitally by employment conditions.

I do not think it is possible to exaggerate the extent of unemployment in this country to-day. I received recently a letter from the editor of a newspaper which has one of the largest circulations of any newspaper in the United States. Its columns are open to the public. The editor called my attention to the fact that of all the streams of letters coming into that paper, from all classes of readers, discussing public questions, the outstanding question discussed by the writers was unemployment.

A few days ago I received another letter not unlike many others received that impressed me very forcibly. It was written by a man of standing and of education, one interested in public affairs. He said:

If you could only know and see and understand what is going on in certain parts of this country, what I have observed in my own experience, the man of family leaving his home in the morning, leaving the children in the care of his wife, and searching through the shops and factories for employment, returning at noon for the wife to go out in the afternoon and leave the children with the husband to be taken care of while she searched for employment.

That is going on in every large city in this country, and going on in increasing proportions. In fact, it is generally agreed that the unemployment conditions in this country during the months of February and March of this year were of larger proportions than at any time in recent years. From every part of the country and from almost every line of business the reports are of depressed business conditions.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. SIMMONS. If I understood the Senator from Utah, he said that these statistics had been gathered since this matter was brought up in the Senate.

Mr. SMOOT. No; I did not say that.

Mr. SIMMONS. The Senator said what was equivalent to that.

Mr. SMOOT. The Senator can put whatever construction on my statement he wants to. I said they were prepared after the resolution was introduced, but had been gathered some time before. The Department of Labor is constantly gathering such statistics. They have monthly reports from every city and every county and every State. It is not a spontaneous thing brought about because of the resolution that was passed here. The Senator can get the information for any month and any year.

Mr. WALSH of Massachusetts. But it is very spontaneous to take the position that they have taken now, in view of their assertions repeatedly that there was no unemployment.

Mr. SMOOT. Does the Senator say those statistics are not right?

Mr. SIMMONS. There was no public statement from the department, so far as I know, as to the unemployment in the United States, even if they had the facts, until after the discussion in the Senate and after the resolution of inquiry was passed. If they had not taken the statistics before, they certainly could not have gathered facts that would have been of a reliable character in the short time that has elapsed since the resolution was passed.

Mr. SMOOT. May I say to the Senator that he can get the monthly reports from the Department of Labor referring to a time before the resolution was ever thought of. The statistics are reported every month, and if the Senator will make an investigation he will find no difference between this report and those that were issued before.

Mr. SIMMONS. If they had discovered before this matter was brought to the attention of the Senate and the resolution passed that there was unemployment to the extent of a million, while the papers were stating that it amounted to 4,000,000, why did they not issue the statement then and there?

Mr. SMOOT. Mr. President, the statements are issued. Any Senator can get them. The Department of Labor is not in politics and talking for political purposes and making statements that are unjustified.

Mr. WAGNER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I yield.

Mr. WAGNER. I wanted to ask the Senator from Utah a question.

Mr. SMOOT. Very well.

Mr. WAGNER. Does the Senator recall the speech of Dr. Julius Klein, who is at the head of one of the statistical bureaus of the Department of Labor?

Mr. SMOOT. He has nothing to do with the Department of Labor.

Mr. WAGNER. He spoke in behalf of the Department of Labor.

Mr. SMOOT. He could not have.

Mr. WAGNER. And stated there was no unemployment in this country to speak of.

Mr. SMOOT. Doctor Klein is not connected with the Department of Labor in any way, shape, or form.

Mr. WAGNER. The Department of Commerce, I mean.

Mr. WALSH of Massachusetts. He spoke for the administration.

Mr. SMOOT. The Department of Labor keeps the statistics as to the unemployment of labor in this country, and not Doctor Klein.

Mr. SIMMONS. Mr. President, up to the time of the passing of this resolution, the very welkin rang with the cry of prosperity, everybody with plenty of work to do.

Mr. SMOOT. And there is prosperity, more in this country than in anywhere else in all the world, and always will be.

Mr. FESS. Mr. President, I wanted to ask the opinion of the Senator from Massachusetts in regard to an inquiry. I am sure he will understand the spirit in which I am asking it.

Mr. WALSH of Massachusetts. Certainly.

Mr. FESS. We have been sitting for nearly a month in the coal investigation, and it has come out that there is a surplus of labor of about two-fifths in the coal industry. There is a limited demand for coal, almost unlimited resources, and a large surplus of labor. Just before dinner I asked a very distinguished labor leader, who is an unusually brilliant and fair-minded man, why they did not get that surplus of coal miners into some other industry. He answered in extenso, in a rather convincing statement, that that could not be done, that there was no possibility for it, and went on to state why. With the statement of fact that there is rather serious unemployment in coal mining, and the statement we can not get the men into any other industry, what would be the Senator's remedy for such unemployment? I am asking him in a spirit of desire to know whether he has an opinion and a remedy.

Mr. WALSH of Massachusetts. I will say to the Senator that the suggestion is not a new one. The condition he describes has existed for years in the soft-coal mining industry. Am I not correct?

Mr. FESS. Yes.

Mr. WALSH of Massachusetts. Once a miner becomes trained in the mining of soft coal he will not enter any other kind of employment.

Mr. FESS. That is the statement which was made to us this morning.

Mr. WALSH of Massachusetts. He will not even mine hard coal, if I am correctly informed. The situation which the Senator describes has been in existence for a number of years. There are periods of time when employment is very good. There are periods of time when there are large numbers unemployed and unable to get employment because the demand for coal becomes limited. I have no suggestion as to how to remedy a condition when people out of work refuse to take up another form of employment.

Mr. FESS. That has been the answer which has been made whenever we have asked the question.

Mr. WALSH of Massachusetts. I have not been talking about the unemployment condition in the soft-coal territory, which I do not think is any different from what it has been in years gone by in periods of depression in the coal industry.

Mr. FESS. The Senator said he did not believe we were without a remedy for unemployment, and I wondered what remedy he would apply to the situation. The situation is embarrassing.

Mr. WALSH of Massachusetts. I think it is a matter that might well be studied and given thoughtful consideration by the committee. Of course, there are particular cases of unemployment where it is difficult to find an immediate remedy.

Mr. FESS. We are doing that.

Mr. WALSH of Massachusetts. Some method ought to be devised for solving it, if possible; but, of course, if men will not work anywhere else except in a certain given locality and there is no work there no government can do anything. But we are talking of unemployment in general, and there are hundreds of thousands of working people, men and women, who are willing to go into any locality or a different kind of employment if they can be assured of work.

This is an age of prevention activities in government. Health departments are constantly striving to prevent the spread of disease. Departments of education are studying the problem of the elimination of ignorance. Where is the Government department that is studying the problem of preventing want, suffering, sickness, and even crime resulting primarily from unemployment? I refuse to subscribe to the assertion that there is no remedy. What is needed is leadership. Leadership that will formulate for the Congress and the State legislatures a program, not based upon political but upon broad humanitarian lines; that will rally all unselfish, public-spirited citizens to support such a program as may make some contribution to the happiness and contentment of the men, women, and children employed in our industrial and commercial life.

Mr. President, I want to say that one benefit of the present discussion is the fact that there is apparently a willingness now, upon the part of those who have been asserting that we are enjoying unparalleled prosperity, to admit that there is some unemployment in the country. It has been asserted for the past two years again and again that we were prosperous because of the great activity in the stock market, because of increased bank deposits, because of the large dividends that were being earned by large financial interests of the country. When it has been asserted that the independent manufacturers and the small merchants were not prosperous, figures showing large financial returns and profits from certain big financial combines have been presented. Conditions have gone on to such an extent and now the army of the unemployed has increased to such proportions that it is necessary to make some admissions and for the first time we hear, notwithstanding the fact that the claim of prosperity is still proclaimed, that there are almost 2,000,000 unemployed people in the country.

I want to say what I have hitherto said repeatedly, that big business is prosperous, that stock speculators are prosperous, that financial gamblers are prosperous, that those who have great wealth are prosperous, and never more so. But I say without fear of successful contradiction that there has not been a time since the World War when the small independent manufacturer who is not a part of an industrial monopoly, when the small retail merchant who is not a part of the retail business monopolistic combines, has been so depressed and his business in such jeopardy as to-day. There has not been a time when there has been such an appalling number of men and women willing and anxious to work, seeking employment. During all

this time no one in the present administration has dared to assume leadership and ask that these great economic revolutions which are taking place in the country be studied in order to determine when or what the end will be. How far are we going with unchecked monopoly and with the movements that are crushing out the great middle class of people in the country? Is it true, as has been boldly and brazenly stated, that before long the American people will be a nation of hired men and women, that all the wealth will be in the hands of a very few, a very limited number of people, and the millions be then hired help, without any appreciable class of business men? Is the result of these financial combines to be a capitalistic class and a working class with the middle class exterminated? Are these problems of no concern to statesmen? Is the chief purpose of government to help the wealth of the country combine and grow larger and more powerful without regard to the economic status of the millions of other patriotic citizens?

The income-tax returns confirm and prove that the number of millionaires has been and is increasing by leaps and bounds during these last few years of increasing unemployment and business depression. It is useless to expect that some department in the Government might give immediate attention to the very serious and grave economic results that are coming in the way of unemployment and failures and ruin to the great middle class of the country by reason of the consolidation and federation of wealth in the hands of the great monopolies of the country.

Yes; they are prosperous, and they are bringing with their prosperity ruin to millions of independent merchants, driving out of employment millions of men and women who want to work. The saddest part of it all is that these monopolies, increasing prices, getting here whatever tariff protection they demand, are supported, encouraged, and defended by the Government. They prove the existence of prosperity by pointing to the huge income-tax returns of the millionaires and the big profits of the trusts and monopolies and to the increasing stock market rises. There is not a merchant in this city or any other city of America who is not passing through the most grave business crisis of his whole career. If you talk with some of them they will tell you that they realize they are facing what they know is certain death and annihilation. I am referring to the struggling, independent merchant, who has been the backbone of the country, who has given to the country a superior citizenship, who has helped to stabilize and keep our country away from radicalism and the other isms because he had a stake in the country.

I know the attitude of the Senator from Utah [Mr. SMOOT]. The Senator may well say we are prosperous. He may well say, "Look at the stock markets, look at the big bank deposits, look at the dividends ever increasing." I say we are not prosperous. It is unhealthy prosperity. It is unsound. It spells economic ruin if it is not checked or regulated.

The Senator from Indiana [Mr. ROBINSON] said that oil will not be the issue in the next election. I will tell the Senate what might well be the issue. If some candidate will come forward and challenge the present economic tendencies in the country and the alliance between the big economic interests in the country and politics, he will have a real issue. Monopoly and its partnership with politics some day is going to be the issue. It may not be oil, but it will be money, money in politics used to corrupt politics, money in business used to corrupt business and to exploit the American people. The business interests that spend large sums of money in corrupting politics and public officials will use the same means and use their business for the purpose of exploiting and extorting from the public and crushing out the weak and the man of limited financial resources.

Mr. President, the situation in this country to which I have referred is an ever-increasing and crying menace. I repeat, the saddest part of it all is that few will admit it. When we protest, the word "prosperity" is flung back in our faces and not a voice is raised, not a movement is made to curtail and restrict these excesses and to bring back real genuine prosperity which will reach down to all the people.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. Certainly.

Mr. SHORTRIDGE. For the sake of argument, admitting that there is unemployment, will the Senator be good enough to suggest his remedy?

Mr. WALSH of Massachusetts. If the Senator had been in attendance upon the Senate a few days ago, he would have known that I spoke on the subject and named many different remedies. I pointed out various pending bills that would help reduce the miseries and burdens of unemployment. If the Senator will be kind enough to read my speech, he will find that I stated different kinds of legislation and different governmental proposals that could be made. A few moments ago I

proposed a remedy which, if the Senator had been in his seat at the time, he would have heard and therefore would not have asked this question. It was for the Government to do now something to prevent future unemployment, misery, and suffering in the nature of what it is now doing through another bureau to prevent unfavorable results of another war—anticipating conditions that may arise in the event of trouble with another nation that would be detrimental to our country.

I say an administration that is interested in human beings and not mere dollars would make for itself an opportunity to study the economic conditions and the reasons for recurring periods of unemployment and be ready to come forward with a program of relief in the way of construction of public buildings, and so forth. Would the Senator agree to such a proposal?

Mr. SHORTRIDGE. Certainly.

Mr. WALSH of Massachusetts. The Senator from Washington [Mr. JONES] has a bill pending, either on the calendar or before one of the committees, which seeks to remedy in part the causes of unemployment. There is plenty of legislation to be enacted and there are plenty of ways to help solve the problem if one is friendly disposed and sincerely interested in trying to do something.

Mr. SHORTRIDGE. Personally I do not think legislation would start up a mill, necessarily. There is unemployment. Men are seeking work. We must have industry going, mines being worked, farms plowed, forests being cut down. We must have some business going on.

Mr. WALSH of Massachusetts. We must find out what the cause is for closing mines and mills.

Mr. SHORTRIDGE. We all know the conditions.

Mr. WALSH of Massachusetts. Does the Senator know what the cause is?

Mr. SHORTRIDGE. There are many causes.

Mr. WALSH of Massachusetts. Will the Senator admit what the cause is?

Mr. SHORTRIDGE. There are seasonal causes.

Mr. WALSH of Massachusetts. Oh, seasonal causes. It is winter that is the cause when it is winter, it is summer that is the cause when it is summer, and it is spring that is the cause when it is spring!

Mr. SHORTRIDGE. There are many reasons. Of course, at times men will be out of employment.

Mr. WALSH of Massachusetts. I hope we will have something said in the Senate for the cause of this unemployment besides the amusing statement that it is seasonal.

Mr. SHORTRIDGE. Speeches will not make employment.

Mr. WALSH of Massachusetts. Talking will help to bring about action. Silence and indifference and talk of prosperity unbounded will not do it.

Mr. SHORTRIDGE. We have to have new industries established. Perhaps a free trade bill would give employment to America?

Mr. WALSH of Massachusetts. I suggest that the Senator try it if he thinks it will.

Mr. SHORTRIDGE. I do not think it would, in point of truth. Sometimes I would even favor an embargo in order that goods consumed by the American people might be produced by them.

Mr. WALSH of Massachusetts. During a period of depression?

Mr. SHORTRIDGE. During many periods. But I do not wish to pursue the matter further at this time.

Mr. WALSH of Massachusetts. The Senator, I hope, will agree with me that some department of our Government might well be thinking about the problem and making recommendations. Does not the Senator agree to that?

Mr. SHORTRIDGE. I think the Senator from Massachusetts is just as competent to think on the subject as is any department that might be set up. Let us do a little thinking and perhaps some one will propose a specific remedy.

Mr. WALSH of Massachusetts. Mr. President, I will say that I think the question is of such magnitude and importance that no one Senator can suggest a solution for the question.

Aside from temporary relief in the way of providing employment by advancing building and improvement work which a sympathetic municipal, State, or National Government could provide at periods of business depression, I think it highly desirable to institute a permanent national board of officials—for example, three Cabinet officers—under whose direction experts could study this question, investigate the cause, and suggest remedies. In the States three department heads could constitute such a board.

We have now and always have had a group of Army and Navy officers studying and preparing plans for the defense of the country in the event of war.

I think it is a most important question, for which political leadership of the proper sympathetic kind should find a solution, just as is being done by the progressive governors of the various States, who, in their own limited spheres, are trying to find a solution for the question.

Mr. President, I did not intend to speak so long. I merely desired to emphasize the fact that we now have an admission, at least, that though the country is claimed to be still prosperous, though the prosperity claim is repeated by the majority party, there is unemployment to the extent admittedly of nearly 2,000,000; but the cause of that unemployment, I repeat, as I understood the Senator from Utah [Mr. SMOOT], is the inventive genius of the American people. Never before has invention and improvement in industry resulted in greatly reducing employment; rather has it opened up new, larger, and wider opportunity for the working classes.

Mr. McKELLAR obtained the floor.

Mr. WAGNER. Mr. President—

Mr. McKELLAR. I yield to the Senator from New York.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state it.

Mr. CURTIS. I am not going to object to the Senator from Tennessee now yielding, but I am going to give notice that hereafter I shall object to Senators obtaining the floor and yielding it to other Senators. The rule provides that a Senator may yield for a question but prohibits a Senator from securing the floor and then parceling out the time for the remainder of the afternoon.

Mr. WAGNER. I shall occupy the floor for only a moment.

Mr. McKELLAR. Mr. President, I will say to my friend from Kansas—

Mr. CURTIS. I am merely serving notice; that is all.

Mr. McKELLAR. That I think the debate on the unemployment situation has been very enlightening, and I see no reason why it should not have taken place. Under those circumstances I yielded, and I am going now to yield to my friend from New York to finish the debate.

Mr. WAGNER. Mr. President, I do not propose to prolong the debate on this question except, in the first place, to express in all modesty some degree of satisfaction that the resolution seeking information as to unemployment has at least agitated the mind of the Senate and has called the attention of the public to an important social subject which has been ignored by our legislative bodies. I received a copy of the printed report only this morning; I have not had an opportunity to study it with any great care, nor have I had the time. I have read sufficient of it, however, to be confident that upon a later occasion, perhaps some day next week, I shall be able to show that the very figures contained in the report warrant the conclusion that the total number of unemployed far exceeds the number reported by the Commissioner of Labor Statistics. I am also confident that I shall sustain the position which I took two weeks ago, that there are about 4,000,000 men out of employment.

I do not want to have this subject considered from a political or partisan point of view. I regard it as superior to partisan considerations. It is a vital social problem; to my way of thinking, there is no economic disease so serious to our whole economic well being as is the question of involuntary unemployment.

I merely want to say to the Senator from Utah [Mr. SMOOT] that I do not want to go into details now as to statistics, but I think I understood him to say that there was about only 5 per cent of unemployment in the State of New York.

Mr. SMOOT. I said that the report of the Department of Labor shows that there is 5.8 per cent of unemployment in the State of New York; not only that—

Mr. WAGNER. To what report does the Senator refer?

Mr. SMOOT. I refer to the report as made by the Department of Labor. I also added that the report of the State of New York shows about the same thing.

Mr. WAGNER. No; the Senator from Utah is mistaken.

Mr. SMOOT. I will show to the Senator from New York that the report so shows.

Mr. WAGNER. I looked at the report of the Department of Labor of New York but yesterday. It shows over 9 per cent of unemployment at this time. The report of the Secretary of Labor does not show the full measure of unemployment, because it simply compares the employment figures of one year with those of another year and shows a difference between the prior and subsequent year, without taking into consideration the amount of unemployment existing during the prior year, the whole resting on the assumption that there was no unemployment during the prior year which is used as the basis.

Mr. SMOOT. I am amazed that the Senator from New York should criticize his own State report in that way, because, if that be the case, the statistics might just as well never have been prepared, and the amount of the money that it cost to gather them has been absolutely thrown away.

Mr. WAGNER. Has the Senator from Utah at hand the report of the Department of Labor of New York, so that he may read the statement as to unemployment in that State being only about 5 per cent?

Mr. SMOOT. I did not read it, but I will say to the Senator that if he desires me to do so, I will send it to him.

Mr. WAGNER. I inquired of the Department of Labor of the State of New York, and was informed that their report for this month showed an unemployment figure of 9 per cent.

Mr. SMOOT. I will ask the Senator a question. In the last two months has unemployment in New York increased nearly 100 per cent?

Mr. WAGNER. No.

Mr. SMOOT. A short time ago it was 5.8 per cent, and now the Senator states it as being 9 per cent.

Mr. WAGNER. The Senator from Utah apparently has misunderstood the figures.

Mr. SMOOT. No.

Mr. WAGNER. The Senator stated that the Department of Labor of the State of New York has made a report to the effect that unemployment was only 5 per cent.

Mr. SMOOT. That it was 5.8 per cent.

Mr. WAGNER. And I am saying that there is presented a question as to which one of us is inaccurate. I am saying that the report of the department of labor shows no such percentage. I am sorry that I have not the report here, but I am sure that I can convince the Senator of that fact.

Mr. SMOOT. I thought the Senator was referring to a report of the State of New York showing an unemployment figure of 9 per cent.

Mr. WAGNER. In the State of New York; yes.

Mr. SMOOT. Then, the report of the State of New York does not conform to the figures supplied by that State and submitted in the report of the Department of Labor.

Mr. WAGNER. I do not know anything about that. I am talking about the report of the Department of Labor of the State of New York.

Mr. President, I had not the advantage, being absent from the Chamber in connection with a committee session, of hearing the observations which the distinguished Senator from Utah made in regard to the report of the Department of Labor as to the unemployment situation. I hope next week, however, as soon as I have had an opportunity of making a sufficiently careful study, to discuss the question and to back up whatever I may say with facts and statistics to show that the conclusion reached by the United States Department of Labor in the report which it has submitted is inaccurate and also to sustain my former position that a conservative estimate of unemployment in this country to-day shows that not less than 4,000,000 men are without work.

PROPOSED NICARAGUAN CANAL

Mr. McKELLAR. Mr. President, the proposal which I am about to make does not directly refer to the unemployment situation, but if the proposal shall be carried out it will have a tremendous effect upon lessening unemployment.

Eighteen years ago the United States Government completed the Panama Canal. Already that canal is giving signs of performing very nearly all the work of which it is capable. If traffic through that canal should continue to increase during the next 10 years as it has during the past 10 years, the canal will be clogged. It is absolutely necessary, as it seems to me, that there should be dug another canal and that it should be in Nicaragua. I have prepared, Mr. President, a bill providing for the digging of a canal in Nicaragua, and I am going to ask the clerk to read that bill as it will, I believe, be enlightening to the Senate.

Mr. NORRIS. Mr. President—

Mr. McKELLAR. I yield to the Senator from Nebraska before the bill shall be read.

Mr. NORRIS. I have no doubt that the reading of the bill will be enlightening, but I am interested in a statement the Senator made. I should like to have him elucidate briefly the proposition he lays down to the effect that the Panama Canal will not be able to handle the business which may desire to use it. Can the Senator give more detailed information as to that?

Mr. McKELLAR. I have the figures and will present them as soon as the bill may be read.

Mr. NORRIS. The Senator made the statement that if business shall increase during the next 10 years as it has during the past 10 the Panama Canal will be unable to handle the traffic.

Are there indications that there will be such an increase, or has the traffic practically reached the maximum limit of the canal? I am not disputing the Senator's statement, the Senator understands.

Mr. McKELLAR. I understand that. The figures sustain the statement that I have made, that there has been a constant increase from the time the canal was first opened, with one exception, and that was during nine months of the first year or the second year, when, by reason of slides, the canal was closed.

Mr. NORRIS. I am merely seeking information.

Mr. McKELLAR. I understand that.

Mr. NORRIS. I am not contesting the Senator's claim.

Mr. McKELLAR. I will be glad to give the figures. I have them right here and will give them as soon as the clerk shall read the bill.

Mr. EDGE. Mr. President, will the Senator permit me to make an observation?

Mr. McKELLAR. I yield.

Mr. EDGE. I do not know that the Senator is familiar with the fact that on March 21, just a few days ago, the Senator from New Jersey introduced a joint resolution, being Senate Joint Resolution 117, providing for a continuation of the surveys for a Nicaraguan canal which were made, as I recall, about 1901, something over 25 years ago, in order to ascertain the engineering conditions existing there to-day, and the practicability of such a canal in comparison with a possible enlargement of the Panama Canal. As I understand the Senator, the bill which he has introduced and which he desires to have read at the desk directs the Government to construct a canal across Nicaragua.

Mr. McKELLAR. Yes.

Mr. EDGE. I am merely calling the Senator's attention to the fact that proposed legislation is before the Senate, being now in the Committee on Inter-oceanic Canals, of which I have the honor of being chairman, suggesting a further survey in order to ascertain all the facts which it would seem to be advisable to have before we shall embark on such an enterprise.

I should like to say further—and then I will not interrupt the Senator again—that I am very much interested in the subject. Without taking snap judgment, for I want to have the benefit of whatever information a survey may afford, I think there is very strong argument in support of the contention for another inter-oceanic canal.

Mr. McKELLAR. I thank the Senator for his interruption. I have not examined the joint resolution which the Senator introduced a short time ago, but there were very full, ample, and complete surveys made about the time the Senator suggests, or a little earlier, and those surveys, in my judgment, have shown the wisdom of building a canal in Nicaragua beyond a doubt. I will refer to them a little later. I now ask that the clerk read the bill which will give an outline of what is proposed.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read the bill (S. 3789), as follows:

Be it enacted, etc., That the Government of Nicaragua having by treaty with the Government of the United States signed at Washington on August 5, 1914, and duly ratified as required by the laws of both of said Governments and proclaimed June 24, 1916, granted in perpetuity to the Government of the United States, forever free from taxation, or other public charge, the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an inter-oceanic canal, by way of the San Juan River and the great Lake of Nicaragua, or by way of any route over Nicaraguan territory, the details of the terms upon which such canal shall be constructed, operated, and maintained to be agreed to by the two Governments whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal, the President of the United States is hereby authorized, empowered, and directed to notify the Government of Nicaragua of its desire and intention to construct such canal and to agree upon the details of the terms under which such canal shall be constructed, operated, and maintained.

SEC. 2. The Senate of the United States, having in its ratification of the treaty with Nicaragua, as aforesaid, inserted the words: "It is declared by the Senate that in advising and consenting to the ratification of the said convention as amended, such advice and consent are given with the understanding, to be expressed as a part of the instrument of ratification, that nothing in said convention is intended to affect any existing right of any of the said named States," namely, Costa Rica, Salvador, and Honduras, the President is authorized and directed to enter into negotiations with said States and determine whether they, or any of them, have any interest in said proposed canal.

SEC. 3. That the President shall direct the Nicaraguan canal commission hereinafter authorized to cause to be excavated, constructed, completed, and perpetually maintained a ship canal connecting the

Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaraguan route from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito, on the Pacific Ocean. Said canal shall be of sufficient capacity to accommodate vessels of the greatest tonnage and draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal; and such sum or sums of money as may be agreed upon by such treaty as compensation to be paid to Nicaragua and Costa Rica for the concessions and rights hereunder provided to be acquired by the United States, are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

SEC. 4. That as soon as the details of the terms upon which said Nicaraguan canal shall be constructed, operated, and maintained and agreed upon by said Governments, the President shall cause the said Nicaraguan canal commission to make such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That the sum of \$10,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated, including preliminary investigations and surveys.

SEC. 6. That in any agreement heretofore made or hereinafter made with the Republics of Nicaragua or Costa Rica the President is hereby authorized to guarantee to said Republic or Republics the use of said canal and harbors upon such terms as may be agreed upon for all vessels owned by said Republic or Republics, or by citizens thereof, such agreement, however, to be confirmed by the Senate as in ordinary cases.

SEC. 7. That to enable the President as provided for in this act, there is hereby created the Nicaraguan canal commission, the same to be composed of five members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal unless sooner removed by the President, and one of whom shall be named as the chairman of said commission. At least three of them shall be persons learned and skilled in the science of engineering, and at least one of them shall be an officer of the United States Army, and at least one of them shall be an officer of the United States Navy, the said officer being either on the active or the retired list of the Army or Navy. Said commissioners shall each receive as compensation \$12,000 per year, provided that in the case of Army and Navy officers said compensation shall be in lieu of their pay as officers. In addition to the members of said Nicaraguan canal commission, the President is hereby authorized to employ in said service any of the engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this act shall be fixed by the commission, subject to the approval of the President. Said commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such periods as may be required by order of the President full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to the Congress. The said commission shall give such information as may at any time be required by act of Congress or by order of either House of Congress. The President shall cause to be provided and assigned for the use of the commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.

SEC. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this act—such proceeds when received to be used only for the purpose of meeting such expenditures—the sum of \$200,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of \$20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue, and payable 30 years from such date, and bearing interest payable quarterly in gold coin at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the

United States an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

MR. McKELLAR. Mr. President, it will be seen from the reading of this bill that it follows very closely the Panama Canal act, as it now is on the statute books. The only changes made are those changes that are necessary because of the different conditions, and because of treaties that have since been entered into.

As we all know, in 1914 a treaty was entered into between the United States and Nicaragua, proclaimed on June 24, 1916, by which treaty, for the consideration of \$3,000,000, Nicaragua ceded to the United States exclusive proprietary rights for the operation and maintenance of an interoceanic canal by way of the San Juan River and the great Lake of Nicaragua, "or by way of any route over Nicaraguan territory." Since that time our Government has done nothing with this canal. The reason for that is very plain. We had but a short time before built the Panama Canal. We did not know whether that would accommodate the business of America and of the world or not, and naturally nothing has been done.

THE REASONS FOR BEGINNING CONSTRUCTION

MR. President, the reasons for beginning construction of this canal are found in the report of the Governor of the Canal Zone, Hon. M. L. Walker, of date August 27, 1926. I first present a table taken from the report, showing the number of transits, net tonnage, total tonnage, and the amount of tolls:

Fiscal year ending June 30—	Number of transits	Panama Canal net tonnage	Tolls	Tons of cargo
1915.....	1,075	3,792,572	\$4,367,550.19	4,888,454
1916.....	758	2,396,162	2,408,089.62	3,094,114
1917.....	1,803	5,798,557	5,627,463.05	7,058,563
1918.....	2,069	6,574,073	6,438,853.15	7,582,031
1919.....	2,024	6,124,990	6,172,828.59	6,916,621
1920.....	2,478	8,546,044	8,513,933.15	9,374,499
1921.....	2,892	11,415,876	11,276,889.91	11,599,214
1922.....	2,736	11,417,459	11,197,832.41	10,884,910
1923.....	3,967	18,605,786	17,508,414.85	19,567,875
1924.....	5,230	26,148,878	24,290,963.54	26,994,710
1925.....	4,673	22,855,151	21,400,523.51	23,958,836
1926.....	5,197	24,774,591	22,931,055.98	26,037,448
1927.....	5,475	26,227,815	24,228,830.11	27,748,215

It will be seen that in 1915 there were 1,075 transits; in 1916 these dropped off to 758. This was caused by slides which closed the canal for about seven months. In 1917 the number of transits increased to 1,803, in 1918 to 2,069, in 1919, 2,024, in 1920, 2,478, in 1921 to 2,892, in 1922 to 2,736, in 1923 to 3,967, in 1924, 5,230, in 1925, 4,673; in 1926, 5,197, in 1927, 5,475.

It will thus be seen, Mr. President, that the total number of transits in 12 years have increased from 1,075 to 5,475.

MR. FESS. Mr. President, will the Senator yield?

MR. McKELLAR. I yield to the Senator from Ohio.

MR. FESS. What would be the maximum capacity? How near are we to it?

MR. McKELLAR. We are not far from it, as I shall point out in just a few moments. The question that the Senator suggests will be dealt with by me almost immediately.

Under the title, "Hours of operation," on page 17 of the report, the governor says:

The schedules outlined above for dispatching vessels through the canal require the Atlantic locks to be operated from 7 a. m. to 11 p. m. daily and the Pacific locks from 6.50 a. m. to 10.50 p. m. daily. Lengthening the hours of transit necessarily would prolong the hours of lock operation, which would mean added difficulties and increased costs of operation not only at the locks but for other divisions of the canal as well. Increase of traffic may eventually make an extension of operating hours advisable, but under present conditions it is not warranted.

So that, Mr. President, if it is a question now operating the canal for 16 hours a day, and that is what these figures show—as to whether the business can be done promptly, what will be the situation 10 years from now if business through the canal continues to increase? If it has increased 500 per cent in 12 years, it is reasonable to suppose that it will increase quite as largely in the next 12 years as it has in the past 12 years. If it does, manifestly the ships can not be put through the canal. Manifestly, it will be necessary for us to build another canal. We ought not to wait, Mr. President, for the present canal to be so congested as to turn away business before we start work on the Nicaraguan canal. For these reasons it

seems to me that we ought to start work on the canal at once, and the bill that I have introduced is, in my judgment, the way to meet the situation.

THE COST OF THE CANAL

What the Nicaraguan canal may cost, Mr. President, of course, is problematical. We can only go by the cost of the Panama Canal. Personally, I do not believe the Nicaraguan canal will cost nearly as much as the Panama Canal, but, of course, we can not say positively.

I find in a report made by Senator Morgan, of Alabama, on the Committee on Inter-oceanic Canals, submitted January 18, 1900, that—

The upper limit of cost, under the most favorable conditions as to the prices of labor and material and all incidental expenditures, and with ample capacity for the safe and rapid transit of the largest vessels, is \$140,000,000. The lowest limit of cost is, probably, \$70,000,000.

I digress from my manuscript at this time to interject another thought. The late Senator John T. Morgan was perhaps the best versed man on inter-oceanic canals in all the world. He made that a life study. He was a man of great ability, of marvelous learning, one of the greatest Senators who ever sat in this body, and while the Panama Canal was not the direct result of his labor and of his ability, he had more to do indirectly with its construction than perhaps any other man who ever lived in America.

While I am talking about Senator Morgan in this connection, I might say a word about another distinguished citizen, one of the greatest men this country ever produced in my opinion. It was he who selected the Panama route instead of the Nicaraguan route. His reason for that selection I need not go into. But in my judgment the greatest work that Theodore Roosevelt ever did in his eventful life was the building of the Panama Canal, connecting the Atlantic and Pacific Oceans. I figuratively take off my hat to that courageous and wonderful man who carried out that great project. Not long ago somebody asked me who I believed were the 10 first great Americans, and I included Mr. Roosevelt in that list. He wanted to know why. I said, "Because of his great work in connection with the Panama Canal."

That accomplishment was a wonderful thing. Perhaps no man in this country was ever more abused for wasteful and extravagant use of the people's money than was Mr. Roosevelt abused for the expenditures in connection with the Panama Canal. Only 13 years have passed since its completion, and it has been a wonderful success, such a wonderful success that there is an absolute necessity, it seems to me, to supplement it with another canal.

The Panama Canal cost, in round numbers, about \$370,000,000, exclusive of fortifications, including the \$40,000,000 that we paid to the Panama Canal Co.

Our net yearly income from the canal after paying the entire cost of operation and also the interest on unpaid bonds amounts to \$14,000,000, and constantly increasing. So it can easily be seen that it will not take long for the Panama Canal to pay itself out and furnish a very substantial income for the American people the rest of the time.

It is safe to say that the Nicaraguan canal can be made to do the same thing with a normal increase in the world's shipping business.

I ask unanimous consent that there be printed at this point in my remarks a table from the report of the Secretary of the Treasury issued on June 30, 1927, found on page 494.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Panama Canal receipts and expenditures for the fiscal years 1903 to 1927
[On basis of warrants issued]

Year	Construction, maintenance, and operation	Fortifications	Total	Interest paid on Panama Canal loans	Receipts covered into the Treasury
1903	\$9,985.00		\$9,985.00		
1904	50,164,500.00		50,164,500.00		
1905	3,918,819.83		3,918,819.83		\$371,253.05
1906	19,379,373.71		19,379,373.71		380,680.10

¹ The above table does not include the payments to the Government of Panama under the treaty of Nov. 18, 1903, of \$250,000 per annum, the first payment being made during the fiscal year 1913, and similar payments continuing each year since that date; nor does it include the payments to the Government of Colombia growing out of the construction of the Panama Canal of \$5,000,000 per annum during the fiscal years 1923 to 1927, inclusive, an aggregate sum of \$25,000,000 as provided for under the treaty of Apr. 6, 1914.

² This amount includes the \$40,000,000 paid to the New Panama Canal Co. of France for the acquisition of the property, and the \$10,000,000 paid to the Republic of Panama in connection with the Canal Zone as provided for under Article 14 of the treaty of Nov. 18, 1903.

Panama Canal receipts and expenditures for the fiscal years 1903 to 1927—Continued
[On basis of warrants issued.]

Year	Construction, maintenance, and operation	Fortifications	Total	Interest paid on Panama Canal loans	Receipts covered into the Treasury
1907	\$27,198,618.71		\$27,198,618.71		\$1,178,949.85
1908	38,093,929.04		38,093,929.04	\$785,268.00	1,083,761.49
1909	31,419,442.41		31,419,442.41	1,319,076.58	705,402.42
1910	33,911,673.37		33,911,673.37	1,692,166.40	3,214,389.48
1911	37,038,994.71	\$30,608.75	37,069,603.46	1,691,107.20	1,757,284.44
1912	34,285,276.50	1,036,091.08	35,321,367.58	3,000,669.60	2,982,823.92
1913	39,917,866.71	1,823,491.32	41,741,358.03	3,201,055.81	4,070,231.27
1914	31,452,359.61	3,376,900.85	34,829,260.46	3,194,105.95	698,647.87
1915	24,427,107.29	4,767,693.88	29,194,712.67	3,199,385.05	4,130,241.27
1916	14,638,194.78	2,868,341.97	17,506,536.75	3,189,024.79	2,869,995.28
1917	15,949,262.47	3,313,532.55	19,262,795.02	3,103,250.67	6,150,668.59
1918	13,299,762.56	7,487,862.36	20,787,624.92	2,976,478.55	6,414,570.25
1919	10,704,409.74	1,561,364.74	12,265,774.48	2,984,888.33	6,777,046.55
1920	6,031,463.72	3,433,592.82	9,465,056.54	3,040,872.89	9,039,670.95
1921	16,230,390.79	2,088,007.06	18,318,398.45	2,994,776.06	11,914,361.32
1922	2,791,035.40	806,327.45	3,597,362.85	2,993,368.14	12,049,660.65
1923	3,620,503.37	950,189.20	4,570,692.57	2,997,604.81	17,869,985.25
1924	7,141,711.97	393,963.37	7,535,675.34	2,992,461.19	20,074,513.33
1925	9,050,509.73	872,689.93	9,923,199.66	2,988,918.80	22,553,732.44
1926	8,419,333.67	1,153,322.38	9,572,656.05	2,989,598.76	28,941,917.87
1927	7,613,376.03	580,096.41	8,193,472.44	2,991,988.25	25,544,701.45
Total	486,707,901.02	36,639,988.22	523,347,889.24	54,328,394.43	191,774,489.10

Mr. McKELLAR. I want to call attention briefly to this table. The first year the receipts amounted to only a little over \$4,000,000. They constantly increased until now they are \$25,000,000 a year. This represents the tolls paid by vessels going through the canal. The cost of operating the canal is about \$7,000,000, leaving about \$18,000,000 yearly as the income.

We owe about \$134,000,000 on the bonds issued for the construction of the Panama Canal, and the net income of the canal for the next 10 years will probably more than pay all of these bonds.

As to the bonded indebtedness, I have the figures, and ask unanimous consent that they be made a part of the RECORD without reading.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

	Amount issued	Amount retired	Amount outstanding
2 per cent Panama Canal loan of 1916-1936	\$54,631,980	\$5,677,800	\$48,954,180
2 per cent Panama Canal loan of 1918-1938	30,000,000	4,052,600	25,947,400
3 per cent Panama Canal loan of 1961	50,000,000	200,000	49,800,000

Mr. McKELLAR. Mr. President, I remember when the canal was first undertaken by President Roosevelt it was alleged by many that this would be a sink hole of the people's money; that it would never pay, and many of the friends of the project, as I recall, admitted that it would not pay, claiming, however, that it would be a most valuable enterprise, both for our commerce and for our defense in the event of war, whether it was a paying proposition to our Government or not. But, instead of its being a failure, it has been a wonderful success, and after 10 years the tolls charged were an important item of revenue for our Government.

BONDS TO BE ISSUED

This bill provides that \$200,000,000 of bonds, or so much thereof as shall be necessary, shall be issued by the Secretary of the Treasury at 3 per cent for the purpose of paying for this work, the bonds to be issued as and when needed. This being a sea-level canal, I am in very great doubt as to whether it will cost even the \$200,000,000. And yet the increased cost of production might make it cost more than the highest estimate—\$140,000,000.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. EDGE. I note that the Senator makes the affirmative statement that this would be a sea-level canal. Does the bill he proposes to introduce make that mandatory, that it shall be a sea-level canal?

Mr. McKELLAR. Indeed not, and I am glad the Senator has called attention to that fact. The bill provides that the President shall put in such locks as may be necessary. In other words, it is not certain that it will be a sea-level canal, and in order to make assurance doubly sure the provision is made that the commission appointed by the President to do the work may construct locks and dams if it is necessary.

Mr. EDGE. I asked that question because it is well known in this age of engineering development that a sea-level canal is much preferable because of the absence of locks and the expense of maintaining locks.

Mr. McKELLAR. We have found that out.

Mr. EDGE. On the other hand, that is one of the reasons for the absolute necessity of a survey. The determination of the kind of canal becomes a matter of engineering. It would seem to me to be almost impossible of execution from a business standpoint to direct the Government to construct a canal, sea level or otherwise, until a survey had been brought down to date, with the newer engineering methods and ideas relating to sea-level canals.

Mr. McKELLAR. I call the Senator's attention to the fact that section 3 of the proposed bill authorizes the appropriation of \$10,000,000 for preliminary surveys and other necessary acts, such as acquiring the property from Costa Rica as provided in this measure.

Mr. EDGE. But, irrespective of their reports, I understand the bill directs the construction?

Mr. McKELLAR. Yes; after the surveys shall have been made.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BLAINE. Why appropriate any money to purchase territory from Costa Rica? Why not just organize a little revolution down there, the way the Government did when it took away from Colombia the territory on which the canal was constructed?

Mr. McKELLAR. That method might be pursued, but it does not meet my approval and is not provided for in my bill.

Mr. BLAINE. I am very happy to know that it does not meet the approval of the Senator from Tennessee.

Mr. McKELLAR. I am wholly opposed to taking anything from any other nation; I am wholly opposed to taking an inch of their territory by forceful methods; and this bill provides only the most peaceful and peaceable methods in the world. A little later on I want to explain to the Senate and to the Senator just what I have in view in that connection.

Mr. BLAINE. Will the Senator yield for another question?

Mr. McKELLAR. Yes.

Mr. BLAINE. I observe in the course of the Senator's remarks that he says the Panama Canal cost, in round figures, \$370,000,000.

Mr. McKELLAR. Exclusive of amounts spent for fortifications and other military features connected with it.

Mr. BLAINE. Does that \$370,000,000 include the \$25,000,000 that was recently settled upon the Republic of Colombia in acknowledgment of the wrong America did in taking her territory by a coup d'état in Washington?

Mr. McKELLAR. No; it did not. I voted for the measure to repay Colombia; I thought we ought to do it; but that item of \$25,000,000 paid Colombia is not included in these figures. And yet, whatever the cost of production, I am sure it would more than pay its way, and in presenting this matter to Congress and the people of the United States I am sure that we can quite safely say that it will be a good investment as well as a most desirable construction.

Mr. FESS. Mr. President, has the Senator considered the possibility of the enlargement of the Panama Canal? Is that possible?

Mr. McKELLAR. I do not believe that it is, and even if it were possible I think it would cost a great deal more than the Nicaraguan canal, the right of way of which we now own, and if the Senator will listen to the next subject I am going to take up he will see the reason why I think it will be immensely beneficial to the defense of the United States to have this second canal.

Mr. FESS. If the Senator will permit a further interruption—

Mr. McKELLAR. I will be glad to.

Mr. FESS. I have understood that even though we could enlarge the Panama Canal, which is doubtful, in my mind, in the course of years there would be another canal constructed by some nation at Nicaragua, and in view of that, it would be better for the United States to be the country that would do it. I understand that that really was one of the things which inspired Secretary Bryan to recommend the procedure at once to buy a perpetual leasehold there.

Mr. McKELLAR. I so understood, and the Senator will recall that before Mr. Roosevelt decided upon the Panama route, he was met with very serious obstacles—first, a prior treaty with Great Britain, the celebrated Clayton-Bulwer treaty, of 1850. That treaty provided that the United States might furnish the money to build the canal, but that it would

be just as much Great Britain's canal, when it was finished, as America's canal.

The Senator will also recall that Mr. Roosevelt, through Mr. Hay, negotiated a second treaty, known as the Hay-Pauncefote treaty, taking its name from the American Secretary of State and the British ambassador, and that when that treaty was negotiated, it put an end to the Clayton-Bulwer treaty. So, as I am going to point out now, we could build this canal not handicapped by treaties of any kind, because the Hay-Pauncefote treaty is a thing accomplished. Whatever rights Great Britain had under the Bulwer-Clayton treaty, or whatever rights Great Britain has under the Hay-Pauncefote treaty, applied to the Panama Canal only, and by terms would not now apply to this canal if built. The Senator can easily see what an immense advantage that would be to America.

Mr. FESS. I think that it is not so significant as to when the canal should be built as that it would be built some time, but it was very significant that we get this agreement so that when it is built the United States will still control the connection between the two seas.

Mr. McKELLAR. I spoke a few moments ago of the splendid work Senator Morgan had done in forwarding the Panama Canal movement. I also spoke of the magnificent work done by President Roosevelt in putting the canal through.

Mr. FESS. Yes; I was in the Chamber when the Senator spoke of those incidents.

Mr. McKELLAR. I want to say that Mr. Bryan, in securing this treaty from Nicaragua, initiated this great project and made it possible. It was acquired at a time when it did Nicaragua a great good. There seem to me to be many reasons at this time, as I shall point out a little later, why we should proceed to carry out the purpose of acquiring the canal route in 1914 under the very wise administration of Mr. Bryan.

Mr. FESS. I had asked a moment ago how near we were to the capacity of the Panama Canal for the reason that I saw a statement some time ago, which was said to be scientific, that when it should be operated 24 hours a day, putting on three shifts of workmen, the capacity would be such as to indicate that we are at only about one-fourth its capacity now. I am making the inquiry for information.

Mr. McKELLAR. I can not say what the science of the situation is, but I can say something about what the facts of the situation are. If it takes 16 hours in each 24 to put 5,000 ships through the canal in the course of a year, it is perfectly evident to me that when that number of ships doubles we will not be able to put them through the canal with three shifts of workmen. I doubt whether we would be able to put more through with three shifts than we do now with two shifts. But that is a matter which can be worked out.

AN ALL-AMERICAN CANAL

It will be recalled that when we took over and built the Panama Canal a great question was raised about its neutrality, Great Britain resurrecting the Clayton-Bulwer treaty of 1850, in which we agreed that any canal we might build would be forever neutral. So that in 1901 we had to conclude another treaty with Great Britain, which superseded in terms the treaty of April 9, 1850, known as the Clayton-Bulwer treaty.

In order to do this, we had to agree in the Hay-Pauncefote treaty of 1901, as to the Panama Canal, that—

The canal shall be free and open to vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

No belligerent shall embark or disembark troops, munitions of war, or war-like materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

These provisions were all in substance carried in the Clayton-Bulwer treaty of 1850. That treaty specifically provided for a proposed canal on the Nicaraguan route, and for some reason our Government felt that it was compelled to enter into a treaty

with Great Britain before we built the canal. There was apparently no reason why we should have entered into such a treaty with Great Britain or any other power, but we did, and President Roosevelt apparently secured the best modification of the treaty that he could.

Now, it will be seen by article 1 of the Hay-Pauncefote treaty of 1901, it is said:

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

In article 2—

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal—

Showing that it was intended that only one canal should be built and that the treaty of 1901 was to apply to that canal. In other words, the treaty of 1901 known as the Hay-Pauncefote treaty concerns only the canal that was built under it, namely, the Panama Canal. And so the United States is not under any obligation to Great Britain in the matter of building the Nicaraguan Canal.

OUR POLICY IN THE NEW CANAL

Of course, the canal must be kept free and open to the vessels of commerce and of all nations observing the rules regulating the canal on terms of equality. The conditions and charges of traffic should be just and equitable, and will be, but we should make no agreement in reference to our fortifying the canal, nor should we make any agreement as to our use of the canal in times of war. It is proposed to build the canal entirely with American money on American soil, which we have already bought and paid for, and we will not be under any obligation to take dictation from any other nation as to how we shall manage and control the canal. Of course, we should make it plain to all the world that we are going to treat all alike, but if any other nation should make war on us, of course, we should have the right to use our own property as we saw fit as long as the war existed. In other words, my proposal is that this canal when built must be an American canal and wholly under American control.

HISTORY OF CANALS

I need not go into the history of interoceanic canals other than to say that the Panama Canal was the dream of the ages. The French people first undertook the work under Monsieur de Lesseps. My recollection is that the French Government sunk some \$300,000,000 and sold it to the United States under Mr. Roosevelt for \$40,000,000. In the early nineteenth hundreds the canal question was of prime importance in the Congress of the United States. Practically everybody wanted to build a canal, and the principal question was which of the two routes. The Congress appointed a committee in 1899 known as the Walker Commission to examine into the question of the two routes, and in November, 1900, this commission, through Mr. Walker, made a report comparing the relative merits of both routes, and wound up by recommending the Nicaraguan route. This report goes fully into the whole matter.

COSTA RICA

We have no treaty with Costa Rica for the building of the Nicaraguan canal. For a distance of perhaps 40 or 50 miles the San Juan River is the boundary line between Nicaragua and Costa Rica, and for that reason we must have the treaty with Costa Rica if the San Juan River is to be a part of the canal. I take it there will be very little trouble in securing this treaty. All the remaining part of the canal is entirely through Nicaraguan territory. It might be well if Nicaragua would sell us a strip 5 or 10 miles wide along the northern boundary, reserving for herself all rights of ingress and egress. Certainly the canal would be of immensely more advantage to Costa Rica, and I take it there would be little difficulty in obtaining a treaty from her.

PRESENT DISTRESSING CONDITIONS IN NICARAGUA

I take it also that the building of the canal at this time would have a splendid effect upon the present distressing conditions in Nicaragua. It would take her people's minds off of the war and political parties and set them to thinking about the material advantages which would come to that country from the building of this canal. It would certainly give the people of both countries an enormous amount of work to do. It would draw thousands of people to the situs of the canal. It would create greater satisfaction at each end thereof and it would be the

greatest possible thing that could come to Nicaragua and to Costa Rica. These beneficent reasons also should be weighed in considering the question at this time.

Mr. President, I am very much opposed to the policy of keeping our marines in Nicaragua. I am very much opposed to making actual war against one set of revolutionists and taking the part of another set of revolutionists in Central or South American countries. We would not think for a moment of interfering in Canada, and we owe it to ourselves not to interfere in these helpless Central American countries by force of arms. We can help the people of Nicaragua better by building this canal by employing her people. If we give them work on the canal, it will go a great way toward preventing banditry. Bandits will become laboring people. In addition to this, the building of the canal will bring tremendously increased trade, commerce, and prosperity in Nicaragua and be of wonderful advantage in restoring order in the country.

In other words, Mr. President, when we send our marines there and aid one set of revolutionists in making war on another set of revolutionists without a voluntary declaration of war we violate our own Constitution. We do ourselves and our institutions the greatest injustice and at the same time we do not help the Nicaraguans. By building this canal we would aid ourselves immeasurably. We keep within our Constitution and our traditions and we make our national defense complete.

Mr. President, we are obliged to build that canal. It ought to be begun at once. The other canal will soon be so full of ships that it can not take more. Business is increasing rapidly. We ought to begin and we ought to begin now to build the canal.

Mr. President, Nicaragua is the largest of the Central American Republics. It has 42,000 square miles and is a little less than the State of Tennessee. It has about 703,000 population, mostly of a Spanish-Indian admixture. The east side is sparsely settled, the principal part of the population living on the plains bordering the lakes. For many generations the country has been beset with warring factions. Granada, on Lake Nicaragua, has been the center of the leading families and Leon, northward near the Pacific Ocean, has been the center of the poorer classes of farmers, artisans, and the like. For a long time there has been bitter strife between the two. Managua is about half way between Granada and Leon and is the capital, and was established so as to be half-way station. They have but one railway in the country, and that is from Granada, on Lake Nicaragua, to Corinto, on the Pacific Ocean, not much more than a hundred miles long.

Parties are divided into the Liberals and the Conservatives. Leon is the center of the Liberal activities and Granada is the center of the Conservative activities. As a matter of fact, the Liberals far outnumber the Conservatives, but when elections are held, owing to the superior mathematical genius of the Conservatives, they usually win.

In 1893, one Jose Santos Zelaya became President and was President for 16 years. He was nominated a Liberal, but was really a despot. It was claimed that Zelaya negotiated with both Great Britain and Japan, and especially had negotiations with Japan, in reference to building a canal. In 1909 Zelaya was overthrown. In 1909 General Chamorro, aided by Juan J. Estrada and Adolpho Diaz, now President, started a revolution at Bluefields, on the Atlantic side. This revolution was largely promoted by America. At any rate America looked on it with favor. The result of this revolution was that Zelaya was banished. His successor, Dr. Jose Madriz, attempted to put an end to the revolution, but failed. Estrada became provisional President and Diaz Vice President. There continued to be bitter controversy and all kinds of strife and war down to 1912. Diaz had acquired supreme power and was called upon by the American Government to protect the lives and property of Americans, and thereupon, on August 3, 1912, Diaz requested the American Government, as follows:

In consequence, my government desires that the Government of the United States guarantee, with its forces, security for the property of the American citizens in Nicaragua, and that it extend its protection to all the inhabitants of the Republic.

The next day 100 men from the U. S. S. *Annapolis* landed at Managua and later many hundreds were brought down, and America has been controlling Nicaragua ever since during various administrations.

In 1914 the Bryan-Chamorro treaty was entered into, by which the United States was given the perpetual privilege of fortifying the Corn Islands, on the Caribbean Sea, and of constructing a naval base on the Gulf of Fonseca, and constructing a canal through Nicaragua. For these concessions the United States paid Nicaragua \$3,000,000.

After joining in a federation with other Central American States and dissolving it, but our marines still controlling the country, an election was held in 1923. Solorzano and Sacasa were elected by a vote of 48,000 to 28,000. A fight arose between Chamorro and Solorzano, and Vice President Sacasa was run out of the country. Chamorro became the dictator, and afterwards Diaz was virtually appointed by the United States to fill out the unexpired term of Solorzano. Late in 1926 he was elected President and the United States recognized him and has kept him in office ever since. In April, 1927, the President appointed Henry L. Stimson his special representative to go to Nicaragua and adjust things. He finally brought out an agreement that an election was to be held for President, and the "generals" on both sides agreed to it, except Sandino. Whether the agreement for a fair election means anything is exceedingly doubtful.

The finances of Nicaragua are in a bad shape. The Nicaraguans owe more than they can pay, and with their constant revolutions it seems impossible for the Government to get out of debt.

Again I say there is but one way we can help, and that is to build the canal. And while we help them in this way we help ourselves infinitely more, and at the same time do not dishonor our Constitution, do not dishonor our Government, and do not dishonor our flag.

Mr. President, in conclusion let me say that I have no sympathy with keeping our marines in Nicaragua, but I have the greatest sympathy for the people of that country in their efforts to maintain their liberty. I believe that if we shall go there in the way I have proposed and spend our money to build this canal in their interest as well as ours, and in the interest of the commerce of the world, we could not do the Nicaraguans a greater service nor could we do our own country or the world a greater service. By adopting this peaceful method, in my judgment, we will bring about a settlement of their dispute, encourage men to go to work in the peaceful vocations of life rather than to be arrayed as revolutionists on one side or the other. It seems to me that we can carry out this project without financial loss, but, on the contrary, with an enormous financial gain. I therefore hope that the Committee on Inter-oceanic Canals will report the bill and that Congress may pass it.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, March 28, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 27, 1928

POSTMASTERS

ARKANSAS

Mary E. Catts, Washington.

IOWA

Charles O. McLean, Ankeny.
Grace F. Newton, Dickens.
Edward A. Hansen, Holstein.
Marinus Jansma, Hospers.
Fred R. Foster, Humeston.
Ray C. Edmonds, Le Mars.
John E. Klutts, Mondamin.
Leon R. Valentine, Murray.
Perry B. Wilson, Shannon City.
Wayne C. Solleder, Thurman.
Ora L. Garton, Weldon.

KANSAS

Jessie W. Lloyd, Athol.
Anna L. Miller, Bushton.
Bessie Custer, Satanta.
James P. Kelley, White Cloud.

MAINE

Charles C. McLaughlin, Harmony.

MASSACHUSETTS

Edwin C. Howe, Enfield.
Henry D. Ainsworth, Grafton.
Charles M. Edwards, Sterling.

OHIO

Henry Kemper, Bellefontaine.
Edgar C. Allison, Cumberland.
Francis E. Cook, Galion.
Oliver Ferrell, Paulding.
George F. Barto, State Soldiers' Home.
Nathan S. Hall, Summerfield.

TENNESSEE

John B. Waters, Sevierville.

TEXAS

John A. McFarland, Ladonia.
Llewellyn R. Atkins, New Boston.
Josie I. Coleman, Tehuacana.

HOUSE OF REPRESENTATIVES

TUESDAY, March 27, 1928

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Glory be to Thee, O Lord most high; heaven and earth are filled with Thy glory and praise becometh the upright in heart. All Thy works do praise Thee: The dawning of spring with its promise and hope brings Thee very near our responsive hearts. The bursting bud, the incipient bloom, the rapture of birds, the sun-kissed waters—these all tell of Thy glory. Do Thou help our souls to rise above the drab, leaden things of life, pushing their virtues upward through worldly pressure and shaping themselves mysteriously into the image of Thy dear Son. Make us tremendously ambitious for the simple gains and joys of human experience, with all their love, peace, and tenderness. The friendship of true friends, the laughter of little children, the sight of flowers, the strains of sweet music, and the heart talks of the hearthstone—bless us with these and we shall make no complaints. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

INTERNATIONAL EMIGRATION AND IMMIGRATION CONFERENCE

Mr. BURTON. Mr. Speaker, I ask unanimous consent to file a supplemental report on House bill 10167, relating to the Second International Emigration and Immigration Conference to be held at Habana.

The SPEAKER. The gentleman from Ohio asks unanimous consent to file a supplemental report on the bill referred to. Is there objection?

There was no objection.

REPORTS FROM THE COMMITTEE ON RULES

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. SNELL, from the Committee on Rules, submits the following report, to accompany H. Res. 148, for the consideration of Senate Joint Resolution 113, S. 716, and H. R. 12407.

Mr. SNELL. Mr. Speaker, I want to say that I expect to call up that resolution on Thursday after the reading of the Journal and the disposition of business on the Speaker's table. The first bill provided for by the committee is the one dealing with national origins.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman insert in the Record the committees that reported these various bills?

Mr. SNELL. There are just three bills from the Committee on Immigration and Naturalization.

Mr. GARNER of Texas. They are all from the Committee on Immigration and Naturalization?

Mr. SNELL. Yes. I think they are all practically unanimous-consent agreements.

The SPEAKER. Referred to the House Calendar and ordered printed.

Mr. SNELL. Mr. Speaker, I submit another report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. SNELL, from the Committee on Rules, submits the following report, to accompany H. Res. 149, for the consideration of H. R. 279:

"The Committee on Rules reports the House Resolution 149 to the House, with the recommendation that the resolution be adopted. The resolution provides for the consideration of H. R. 279, to amend sec-

tion 8 of the act entitled 'An act to incorporate the Howard University in the District of Columbia,' approved March 2, 1867."

The SPEAKER. Referred to the House Calendar and ordered printed.

Mr. SNELL. Mr. Speaker, for Mr. MICHENER I submit another report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. MICHENER, from the Committee on Rules, submits the following report, to accompany House Resolution 150, for the consideration of H. R. 8937:

"The Committee on Rules reports House Resolution 150 to the House, with the recommendation that the resolution be adopted. The resolution provides for the consideration of H. R. 8937, to amend the act entitled 'An act to promote export trade, and for other purposes,' approved April 6, 1918."

The SPEAKER. Referred to the House Calendar and ordered to be printed.

Mr. GARNER of Texas. Mr. Speaker, I understand that that bill is reported by the Committee on Interstate and Foreign Commerce.

Mr. SNELL. No. It is reported by the Committee on the Judiciary.

RESIGNATION FROM THE COMMITTEE TO ATTEND UNVEILING EXERCISES OF STATUE ON STONE MOUNTAIN OF GEN. ROBERT E. LEE

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., March 26, 1928.

HON. NICHOLAS LONGWORTH,

Speaker of the House of Representatives,

Washington, D. C.

DEAR MR. SPEAKER: I regret to advise that recent uncontrollable circumstances will prevent my acceptance of the appointment which you were so good as to tender me on the congressional committee to attend the unveiling exercises of the statue on Stone Mountain of Gen. Robert E. Lee.

Very respectfully,

A. J. MONTAGUE.

The SPEAKER. The Chair appoints Representative L. J. STEELE, of Georgia, to fill the vacancy.

THE GOLIAD MASSACRE—ITS PLACE IN HISTORY

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Texas [Mr. MANSFIELD] for one hour.

Mr. MANSFIELD. Mr. Speaker, to-day is the ninety-second anniversary of one of the most barbarous, most revolting, and most heart-rending scenes ever perpetrated by men in ancient or modern times. On Palm Sunday, March 27, 1836, at Goliad, Tex., Col. J. W. Fannin, jr., a soldier and officer in the army for the independence of Texas, with about 330 men under his command, all of whom were prisoners of war, were marched from their prison at daylight and shot to death without warning.

I desire to review, briefly, the events leading up to that horrible tragedy, the circumstances under which it was committed, and its bearing upon subsequent events. In order to give a more thorough understanding of the situation, I have here a large map of Texas showing the geographical location of Goliad, and other points having a historical bearing.

Goliad [pointing] is located here on the San Antonio River about 40 miles from the Gulf of Mexico. San Antonio, then known as Bexar, is on the same river about 80 miles above, and to the northwest of Goliad. Gonzales is on the Guadalupe River about 55 miles north of Goliad. Victoria is 28 miles to the east, also on the Guadalupe. Refugio is about 30 miles to the south of Goliad, and San Patricio about 60 miles to the southwest. San Felipe is on the Brazos, about 120 miles northeast of Goliad, and San Jacinto, about 150 miles to the northeast, near the present city of Houston.

At San Antonio and Goliad are located old Spanish missions, which, at the time we now have under consideration, 1835 and 1836, were used as forts or military posts. The one at San Antonio is called the Alamo, and was erected by the Franciscan friars about the year 1718. The one at Goliad is called La Bahia, and was erected by monks of the same order about the year 1749. Refugio was also the seat of an old mission, known as the Mission Del Refugio.

Gonzales was the seat of one of the early American settlements, known as De Witt's colony. It is called the Lexington of Texas, as it was there, on October 2, 1835, the first skirmish was fought for Texas, and which resulted in a victory for the Texans. Victoria was also the seat of a colonial settlement,

known as the De Leon colony. Refugio and San Patricio were small Irish settlements.

Mr. O'CONNELL. Will the gentleman yield to me?

Mr. MANSFIELD. I will.

Mr. O'CONNELL. Will my friend from Texas explain that section of his interesting map embraced within the red lines?

Mr. MANSFIELD. That represents one of the greatest congressional districts in the United States. [Applause.]

Mr. O'CONNELL. I thank the gentleman, and would add that it is very worthily and capably represented in the House by one of its ablest Members.

Mr. MANSFIELD. I thank the gentleman for the compliment.

San Felipe was the seat of the provisional government of Texas. It was located in Stephen F. Austin's colony, though Austin's home was farther down the Brazos River, in which is now Brazoria County. San Jacinto is where the final victory was won that made Texas independent and paved the way for its admission to the American Union as one of the 48 States of the present.

Under Mexican domination Texas had been attached for administrative purposes to the State of Coahuila. Saltillo, the capital, was several hundred miles from the American settlements, and much of the territory intervening was uninhabited. Santa Anna had overthrown the constitutional government in Mexico and had military posts at San Antonio and Goliad to force Texas into submission.

The fight at Gonzales of October 2, 1835, occurred when a force of about 150 men under Castinado was sent from San Antonio to take possession of a small cannon which had been given to the colonists by the Mexican Government several years before as a protection against the Indians.

To the demand of Castinado an evasive reply was at first made, and, as in 1775, minute men were sent out to gather in the colonists. The following morning, a sufficient number having arrived, they then made a positive refusal. The fight resulted. Castinado was forced to return to San Antonio without the cannon, and after the loss of several men.

This victory of the Texans was followed by several others in rapid succession. One week later Goliad fell into their hands. In another 20 days they won the important Battle of Concepcion. They then laid siege to San Antonio, which capitulated on December 9. General Cos and his army were permitted to return to Mexico under agreement not to further resist the return of Mexico to the constitution of 1824. This agreement they afterwards violated.

All this fighting occurred before there was any organized effort for Texan independence. The main purpose was to resist the usurper, Santa Anna, and reestablish constitutional government in Mexico, of which Texas was a part. For self-preservation during the time such government was suspended, the Texans, on November 3, established a provisional government at San Felipe, consisting of a governor and council. A declaration of independence was adopted at Goliad on December 20, 1835, but this was disapproved by the council who ordered it suppressed.

San Antonio, Goliad, Refugio, and San Patricio, all being in the hands of the Texans, it was the object of the council to concentrate these forces in a march upon Matamoras, across the Rio Grande, with a hope that it would cause an uprising of the Mexicans in the States of Tamaulipas and Nuevo Leon and aid in the overthrow of Santa Anna. While this plan had the approval of the council, it was opposed by Smith, the governor. It was also opposed by Sam Houston, who had been appointed at the head of the army, but Houston's authority was not fully recognized at that time, and in some quarters it was disputed.

Here Colonel Fannin enters prominently into the drama. He was in command of about 400 men at Goliad, under the orders of the council. Grant and Johnson had smaller forces at San Patricio. All these officers were expected to take important parts in the proposed Mexican invasion. The whole proposition was ill-advised, as fully shown by subsequent events. Instead of advancing into Mexico, it was later found that the Texan force was incapable of defending the advanced positions they then held.

The combined forces of Fannin, Grant, and Johnson amounted only to 600 or 700 men, untrained, poorly armed and equipped. Santa Anna was at that time advancing upon Texas with 8,000 seasoned troops, well armed and equipped, and flushed with their recent victories over Zacatecas, the last of the Mexican States to fall before his power. His right wing, under Urrea, was then concentrating at Matamoras, the Texan objective.

Santa Anna, with the main body of his troops, soon advanced to San Antonio and laid siege to the Alamo, which fell into his hands March 6 after one of the most heroic defenses recorded in the annals of history. Bowie, the Georgian; Travis, the Ala-

bamian, Bonham, of South Carolina; and Davy Crockett, the Tennessean—but all Texans—fell at their posts with about 180 men under their command. Not one retreated; not one surrendered; not one was spared.

On March 1, 1836, a convention was assembled at Washington on the Brazos. It was by this time the almost universal opinion that complete independence was the only hope for stable government in Texas. The following day the declaration was adopted, and Sam Houston appointed commander in chief of the armies. A few days later a president and vice president ad interim were elected by the convention. The provisional council, which had previously been acting, then turned over the affairs to this new government.

Supposing the Alamo to be still in the hands of the Texans, but besieged by Santa Anna, Houston started to its relief. He arrived at Gonzales on March 11, where he received the word that the Alamo had fallen on the 6th and that the entire Texan force had been put to death. Houston had with him at Gonzales 374 men but with few arms and little ammunition. Fannin was then at Goliad with about 400 men.

Knowing that resistance on that exposed front was suicidal, Houston decided to retreat to the Colorado. He dispatched a courier to Fannin with orders to retreat to Victoria on the east side of the Guadalupe. This order was sent on the night of the 11th, the day of Houston's arrival in Gonzales. Two days later, Houston began his famous retreat eastward, taking with him all the inhabitants of Gonzales.

Santa Anna's men were closing in on Gonzales, on Goliad, and on Refugio. San Patricio had already fallen. Houston continued his march to the Colorado. Fannin did not start his retreat until the 19th of March, five days after the receipt of Houston's order. Goliad by that time was menaced by a large force of the Mexican Army. On the morning of the 19th, the country was enveloped in a dense fog. The oxen that were to pull the cannon and supplies were weak, having been kept up the day and night before without feed.

Fannin started his retreat in the direction of Victoria, but before reaching the Coleta, a small stream, he found it necessary to stop to let the oxen rest and graze. This was about 10 miles from Goliad, near the present town of Fannin. The time was about 2 or 3 o'clock in the afternoon. When he resumed his march he found that the Mexicans were in front of him.

The battle commenced at once, but the Texans were soon completely surrounded on the open prairie. Fannin formed his men in a hollow square and intrenched. The battle continued desperately until stopped by the darkness of the night, and the Mexican force was several times thrown into great disorder and with heavy loss.

It was a dark and horrible night for the Texans. They had no water, and this added greatly to the suffering of the 60 or more wounded, who could not receive necessary medical attention. The two or three small cannon had been put out of action for the want of water to cool them between the shots. Ammunition was also exhausted. A scouting party sent out before the fight commenced, to select a crossing place on the Coleta, were cut off by the enemy and could not rejoin the force.

At daylight on the morning of the 20th, the Mexicans received reinforcements, with several cannon and a pack train of ammunition. Their force was then about 1,900, while the Texan force was less than 400. The oxen had been killed during the fight. There was no way of escape, except by leaving the wounded in the hands of the enemy. This they could not do. After consultation, it was decided that surrender was the only hope of escaping extermination, such as had befallen the defenders of the Alamo three weeks before. A truce was arranged, and the terms agreed upon, by which Fannin and his men were to be accorded treatment due to prisoners of war by civilized nations.

The prisoners were taken back to Goliad and incarcerated in the old mission, where they remained for one week. They were then, on Sunday morning, at dawn of day, marched out in three or four divisions, in as many directions, under false pretenses, and shot down between files of soldiers, in obedience to the order of Santa Anna. Many who were only wounded at the first volley were then stabbed to death with bayonets. A few, but very few, made their escape. About one hour later the wounded were dragged out and butchered. Colonel Fannin himself was badly wounded in the battle a week before. He was the last to die. He met his fate like a soldier. He handed his watch to the officer and requested to be shot in the breast instead of the head. He then seated himself in the chair, tied the handkerchief over his eyes, and bared his bosom to receive the volley.

Urrea, who was in command of the Mexican division operating in that territory, is said to have been at Victoria at the time, and knew nothing of this horrible massacre until it was accomplished. He had left orders for the prisoners to be treated humanely. That order had been superseded by the order of Santa Anna, sent to Goliad from headquarters in San Antonio.

Some of the Mexican officers revolted at this horrible murder, but dared not disobey Santa Anna. A kindly hearted woman, Senora Alvarez, wife of one of the Mexican officers, succeeded in saving several of the Americans by taking them from the prison the night before under various pretexts and concealing them until they could have an opportunity to escape. Four surgeons and a few others were also saved by a Mexican colonel, who took them to his tent where they were concealed and protected. Senora Alvarez, on hearing that the son of Doctor Shackelford was among the slain, burst into tears and said that if she had only known it she would have saved him.

These acts of this good woman are related in the sketch written by Doctor Bernard, of Chicago, who was one of the survivors. Her conduct was also most feelingly referred to by Mr. Benton in the Senate of the United States, when he paid her a most beautiful and adoring tribute.

The exact number who perished at Goliad may never be known, though from facts obtainable it is thought to have been 330. They were young men and boys, coming from almost every State of the Union. Fannin himself was a Georgian, a graduate of West Point. There also perished at Goliad the "Lone Star" flag made by a Georgia girl, Miss Joanna Troutman, who was the stepsister of the late Justice L. Q. C. Lamar, of Mississippi. This flag was brought to Texas by the Georgia company that responded to the call of Texas. It was first unfurled at Velasco, near the home of Stephen F. Austin. Two months later, on receipt of the news of the adoption of the declaration of independence, it was unfurled at Goliad.

The Goliad massacre made a profound impression upon the civilized world, and perhaps more than any other single thing contributed to the final success of the Texan cause, both in battle and in the field of diplomacy. It shared with the Alamo, the battle cry at San Jacinto, where the doom of Santa Anna was sealed in one of the most brilliant victories ever won upon the field of battle.

It gave the Texans the moral support of the civilized world, and was one of the principal causes of the prompt recognition of Texas independence by the United States. It also played an important part in the chain of events leading to the final admission into the Union. It was several times referred to in the debates in Congress when these measures were under consideration. In the House in January, 1845, Mr. Caldwell, of Kentucky, said:

Who can read the cold-blooded massacre of his 400 prisoners of war at Goliad, the detachment of the noble Fannin, without visiting upon its savage author his deepest execrations?

Mr. Norris, of New Hampshire, made this reference:

The horrid and fiendlike butcheries of the Alamo, the heartless treachery and cold-blooded assassination of Goliad only invigorated this brave people with fresh courage, bordering on desperation, to resist even to extermination the murderer of their countrymen, the usurper of their liberties. On the 21st of April, 1836, they sealed their emancipation from Mexican despotism with the blood of their enemies upon the battle field of San Jacinto.

Mr. Benton, in the Senate in 1836, said:

Goliad has torn Texas from Mexico; Goliad has decreed independence; San Jacinto has sealed it. What the massacre decreed the victory has sealed, and the day of the martyrdom of the prisoners must forever be regarded as the day of disunion between Texas and Mexico. * * * I repeat it; that cruel morning of the Alamo, and that black day of Goliad were great political faults. The blood of the martyr is the seed of the church. The blood of slaughtered patriots is the dragon's teeth sown upon the earth, from which heroes, full grown and armed, leap into life, and rush into battle.

Fannin has been both criticized and defended for delaying his retreat from Goliad. He, of course, did not live to give us his version. Houston, in his farewell address in the United States Senate in 1859, used this language:

Fannin, after disobeying orders, attempted on the 19th to retreat and had only 25 miles to reach Victoria. His opinions of chivalry and honor were such that he would not avail himself of the night to do it in, although he had been admonished by the smoke of the enemies' encampment for eight days previous to attempting a retreat. He then attempted to retreat in open day. The Mexican cavalry surrounded

him. He halted in a prairie, without water, commenced a fortification, and there was surrounded by the enemy who, from the hilltops, shot down upon him.

In another connection in this address, Senator Houston said:

Colonel Fannin was ordered to fall back from Goliad. * * * He (Houston) received an answer from Colonel Fannin, stating that he had received his order; had held a council of war; and that he had determined to defend the place, and called it Fort Defiance, and had taken the responsibility to disobey the order.

These criticisms by Senator Houston have been almost universally regarded as an injustice to Colonel Fannin. Yoakum's History of Texas, published in 1855—four years before the farewell address of Senator Houston, is a complete refutation of this charge, afterwards so made. According to Yoakum, Fannin had previously been ordered by Lieutenant Governor Robinson "not to make a retrograde movement" but "await orders and reinforcements." Pending those orders, he had sent King to remove some families at Refugio in distress. Not hearing from King, Ward, with another detachment, had been sent to King's relief, and Ward had not been heard from.

Such was the situation when Fannin received General Houston's order to retreat. Yoakum, on page 87, volume 2, of his history, says that this order, sent by Houston at Gonzales on the night of March 11, was received by Fannin on the morning of the 14th. As afterwards found out, the 14th was the day that Ward's command had been engaged with the Mexicans in battle at Refugio, and in which the Texans were overpowered. Hence, the reason they had not returned to Goliad. After that engagement Ward had attempted to reach Victoria but was cut off and, without ammunition, surrendered. He with his men were returned to Goliad two days before the massacre and shared the fate of the other prisoners.

Mr. HUDSPETH. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Texas.

Mr. HUDSPETH. In a recent history of Texas by Hon. Louis J. Wortham, there is recorded the reason Fannin did not retreat. Wortham relates that there was one survivor who states that Fannin did not want to leave the American families there at the mercy of the Mexicans. This is the story that one of the Americans who escaped relates in this history of Texas, which I think is the best I have ever read.

Mr. MANSFIELD. In reply to the gentleman, I will say that the families in distress at Refugio was one of Fannin's reasons. King had been sent there to take them away and Ward had been sent to King's relief. Fannin could not retreat and leave these families there unprotected. Furthermore, he could not retreat until the two detachments of soldiers had returned because he would be leaving them to fall a prey to the Mexican soldiers. He was endeavoring to get them back so as to be able to retreat and take the families with him. This is what caused the delay.

Upon receipt of Houston's order, according to Yoakum, Fannin "immediately dispatched an express to Ward, stating the nature of Houston's order, and requiring him to return with all haste to Goliad." Other orders were issued preparatory to the retreat, but these fell into the hands of Urrea.

Senator Houston twice in his farewell address lauds Yoakum's history for its accuracy and completeness. In the main, it was relied upon by him to refute the scurrilous charges made against him and published in the Texas Almanac. Yoakum was a man of undoubted character and ability, and had made wonderful research in the preparation of his historical work. He was a Tennessean and the friend of Houston. On coming to Texas he lived in the same town in which Houston lived and died. He was a graduate of West Point and a lawyer of great ability.

Senator Houston's farewell address was in vindication of himself against the scurrilous charges made in the Texas Almanac. It was a notable address, in which he flayed his political adversaries as with a lash made of scorpion's tongues. But in the bitterness of the debate, 23 years after the occurrences spoken of, he could not be expected to give the same degree of accuracy to detail of facts, as characterized the work of the careful historian, Yoakum. In this Yoakum is corroborated by later historians, including Mrs. Pennybacker and others.

Doctor Bernard, who was with Fannin at Goliad, in his account says:

The alleged disobedience of Colonel Fannin to Houston's order is an undeserved censure of a gallant soldier, and that he wrote back a refusal I know to be false. Circumstances have enabled me to possess a positive knowledge on this point, and justice to both the dead and the living require me to state it.

Up to this point there seems to be a direct conflict between Houston on the one hand and Doctor Bernard and Historian Yoakum on the other. I have spent a great deal of time and effort to get at the real truth. I have reached the conclusion that the explanation is contained in Houston's letter to Collingsworth, chairman of the military committee, written from Gonzales on March 13, the day he commenced his retreat from that place. That was just two days after he had sent the order to Fannin, and he inclosed copy of the order to Collingsworth with that letter. Fannin had not then received the order, and did not receive it until the following day, according to Yoakum.

In this letter to Collingsworth, Houston, speaking of Fannin, said:

He has written letters here indicating a design to march upon San Patricio, and also the occupation of Copano. So that I am at a loss to know where my express will find him. * * * On seeing the various communications of Colonel Fannin at this point, I could not rely on any cooperation from him.

It is clear that Houston at the time of writing that letter to Collingsworth was impressed with the fact that Fannin's plans were inconsistent with his. He formed that impression from seeing the letters at Gonzales, written by Fannin himself. This impression doubtless remained with him, as Fannin did not live to clear it up. After the lapse of 23 years, in answering his critics, Houston was undoubtedly in error in assuming that Fannin's letters were written after instead of before receiving the order to retreat.

So far as known, Houston never at any time made public a letter from Fannin indicating that he would disobey the order to retreat from Goliad. Neither did he ever refer to such a letter in any official communication or report.

The continued retreat of Houston and the result at San Jacinto are too well known to warrant repetition here. It is sufficient to say that by that victory a new nation was born, which was recognized in due time by the United States, England, France, Holland, and Belgium. Resolution for recognition of independence was reported by Mr. Clay in the Senate and by Mr. Wise in the House. It was adopted March 1, 1837, the first anniversary of the assembling of the convention that adopted the declaration of independence.

In August, 1837, Gen. Memucan Hunt, Texas minister at Washington, at the instance of President Houston, made representations to the United States for the admission of Texas into the Union. Forsyth, Secretary of State, declined to consider the proposition, and in this he had the approval of President Van Buren.

In 1841 Harrison became President and appointed Webster Secretary of State. Harrison soon died, and Tyler became President. Tyler was favorable to the admission of Texas, but Webster was opposed. Webster was later succeeded by Upshur, of Virginia, who was favorable to admission. Upshur, under Tyler's advice, in 1843 arranged for a treaty with the Republic of Texas for admission to the Union as a Territory; but before this could be entered into Mr. Upshur was unfortunately killed by an explosion of a gun on the *Princeton*. Calhoun succeeded Upshur and carried out the negotiations, after making some minor alterations in the draft of the treaty.

The treaty was submitted to the Senate in 1844 and resulted in a defeat for admission by a vote of 35 to 16. Both the Senators from the States of Delaware, Maryland, Virginia, Kentucky, Tennessee, and Louisiana and one each from the States of North Carolina, Georgia, and Missouri, all slave States, voted against admission. On the other hand, one Senator from New Hampshire and both the Senators from Pennsylvania and Illinois voted for admission. From this it might be inferred that the question of slavery was not considered the dominant issue at that time.

After the decisive defeat of annexation by the Senate in 1844, the question became the leading issue in the presidential election of that year. Clay was the nominee of the Whigs, and opposed admission. Polk was running on an admission platform.

In the book entitled "Tyler Letters and Times," by Lyon G. Tyler, son of the President, published in 1885, on page 350, volume 2, appears this language:

As the day of the election drew near the excitement over Texas grew each day more and more violent. The caldron of politics seethed nothing but Texas! Texas! Every other issue was swallowed up in the great one of annexation, which formed the subject of every speech, meeting, and conversation. Orators bawled themselves hoarse about Texas; newspapers bristled with all sorts of types proclaiming Texas. Texas clubs were all the rage, and even the poet wrestled with the name and wrote numberless verses in honor of Texas.

The election resulted in a landslide for Polk and Dallas. In the next session of the Congress the treaty was disregarded, but many bills were introduced for the admission of Texas. The discussions were full and complete, able and interesting. Slavery, of course, came in for its due share of the discussion, but additional to that, constitutional questions were involved. Then war with Mexico was seriously considered, Mexico not having acknowledged the independence of Texas, and still claiming it.

In the latter part of February, 1845, the joint resolution was adopted for the admission of Texas as a State, and by which the public domain was to remain the property of the State. This was carried by a substantial majority in the House, but in the Senate the majority was only 2, the vote being 27 to 25 in favor of annexation. The resolution was signed by President Tyler on March 1, just three days before the expiration of his term.

Texas had many friends in public life, but Mr. Tyler was not surpassed in his zeal by any. He, with Upshur, put forth the first plan for annexation by treaty. Under his direction Calhoun afterwards negotiated that treaty for presentation to the Senate. It was signed by Van Zandt and Henderson, on behalf of Texas. The election in 1844, after the defeat of the treaty in the Senate, was a vindication of President Tyler.

Texas has acknowledged the services of President Tyler and Secretaries Upshur and Calhoun, by naming a county in honor of each. I am indebted to Miss Ruth Myers, chief clerk of the attorney general's office of Texas, for information in regard to the naming of Upshur County, and for a brief biography of Mr. Upshur. I am also indebted to ex-Governor Colquitt and to Mr. J. Littleton Talley, of Goliad, for data furnished at my request.

One of the Senators who took an active interest in behalf of the admission of Texas was Senator Bagby, of Alabama. He had been Governor of Alabama and United States minister to Russia. It is of interest to note that Senator Bagby was the father of one of our most distinguished Texans, the late Gen. Arthur P. Bagby, of Lavaca County. General Bagby was educated at the University of Alabama and at West Point. He came to Texas in 1858 and served as a brigadier general in the Confederate Army during the War of Secession. At the time of his death a few years ago, he was survived by only two other generals of the Confederacy.

In recent years the people of Texas have taken steps to honor the martyrs of Goliad. The old mission, which has ever remained the property of the Catholic Church, and long in ruins, has been restored by the Knights of Columbus to what is believed to have been its former condition.

The legislature in 1883 authorized the erection of a monument in Goliad, consisting of a 33-foot marble shaft upon a granite base, and suitably inscribed. It is considered the handsomest monument in Texas, and the grounds are beautified and maintained by the ladies of the Fannin Park Association.

Through the efforts of the Daughters of the Republic of Texas a bill passed the legislature in 1913 to accept and beautify another park at the town of Fannin, where the battle and surrender took place, and to erect a suitable monument there.

The land for this park was contributed by its owner, Mrs. L. J. Hanley, and the bill in the Texas Legislature was introduced by Hon. Leopold Morris, of Victoria, who sponsored it through the house, while a like service was performed in the senate by Senator John H. Bailey, of Cuero. As a coincidence, the bill was approved by Gov. O. B. Colquitt, then Governor of Texas, a distant cousin of Senator William T. Colquitt, of Georgia, who performed an active service in behalf of Texas annexation in the United States Senate in 1844 and 1845. Also under Governor Colquitt's administration a monument was erected to Miss Joanna Troutman in the State cemetery at Austin and a bronze tablet placed there containing the names of those who perished at Goliad.

Goliad is now becoming a great shrine in Texas and is being visited by many persons of note each year. The State park at Fannin and the old mission near which the massacre took place have become the Mecca for the school children interested in the study of history. It is a common occurrence for large classes to visit these hallowed grounds. County Judge J. A. White and Mayor Joseph Wearden, of Goliad, have taken steps to beautify the grounds where the massacre took place and provide suitable roads and driveways.

At the beginning of the year 1836 Texas was the last resting place for civil liberty in Mexico. The usurper had behind him 8,000,000 people, Texas had 30,000. The martyrs of Goliad proved more powerful in death than in life. San Jacinto sealed the doom of Santa Anna. He never regained the confidence even of his own country. After death he was denied burial in the national cemetery. His remains lie at Guadalupe Hidalgo, where our treaty of peace was signed at the close of the Mexican War.

Texas fills a unique place in history. It was long claimed by both France and Spain by right of discovery. In 1763 it was ceded by France to Spain. Spain ceded it back to France in 1800. It was claimed by the United States under the Louisiana purchase from France in 1803, but all our rights were quitclaimed to Spain in 1819 in part consideration of the purchase of Florida. Texas became a part of the Mexican Empire under Iturbide in 1821 and of the Mexican Republic in 1824.

Texas became an independent republic in 1836 and a State in the American Union in 1845. In 1861 Texas seceded and shared the fate of the Southern Confederacy. From the close of the war in 1865 it was under the military rule of the United States until 1870, when, complying with the requirements of Congress, it was readmitted to statehood.

Texas has paid allegiance to the Bourbons and the Bonapartes, the Hapsburgs and the Montezumas. It has several times been a kingdom, twice an empire, and six times a republic. It has now reached its goal as a king of empires in the greatest Republic the world has ever known. [Applause.]

Notwithstanding its varied history, Texas remained practically unsettled and undeveloped until a time almost within the memory of men still living. To Stephen F. Austin, more than any other, is due the honor and credit. Austin and Houston were both born in the State of Virginia, in the same year, 1793; Austin in Wythe County, Houston in Rockbridge. Austin went to Texas from Missouri, Houston from Tennessee. Each became prominent in his respective State of adoption before going to Texas, but the crowning points in their careers were attained in the land made great by their wisdom and genius. [Applause.]

Mr. SHALLENBERGER. Will the gentleman yield for one observation?

Mr. MANSFIELD. Certainly.

Mr. SHALLENBERGER. In enumerating all the wonders of Texas the gentleman forgot to mention the chief one, and that is we are going to nominate the next President of the United States down there.

Mr. MANSFIELD. I accept the amendment of the gentleman from Nebraska. [Applause.]

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12286, the naval appropriation bill.

The SPEAKER pro tempore (Mr. ROWBOTTOM). The gentleman from Idaho moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill, of which the Clerk will read the title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

The Clerk proceeded with the reading of the bill, and read as follows:

BUREAU OF AERONAUTICS

AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1928, \$1,250,000; for maintenance, repair, and operation of aircraft factory, air stations, fleet, and all other aviation activities, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, \$9,675,000, including \$400,000 for the equipment of vessels with catapults and including not to exceed \$300,000 for the procurement of helium, of which such amounts as may be required may be transferred in advance to the Bureau of Mines; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$20 per diem for any person so employed, \$2,000,000; for drafting, clerical, inspection, and messenger service, \$725,000; for new construction and procurement of aircraft and equipment, \$15,865,000, of which amount not to exceed \$9,480,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the Navy

appropriation act for the fiscal year 1928, approved March 2, 1927; toward the construction of the rigid airships authorized in Public Act No. 422, Sixty-ninth Congress, approved June 24, 1926 (total limit of cost \$8,000,000), \$1,800,000, and the sum of \$200,000 of the appropriation, "Aviation, Navy, 1928," toward the construction of one of such airships is hereby made available until June 30, 1929, toward the construction of two such rigid airships: *Provided*, That the contract for such rigid airships shall (a) reserve to the Government the right of cancellation of the construction of the second airship if changed circumstances, in the judgment of the Secretary of the Navy, shall suggest that course as being in the best interests of the Government, such right of cancellation to continue until the first airship shall have been tested in flight and accepted, and (b) provide that in the event of such cancellation the total cost of the first airship, and all payments under, and expenses incident to the cancellation of, the contract for the second airship, shall not exceed \$5,500,000; in all, \$31,315,000; and the money herein specifically appropriated for "aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That in addition to the amount herein appropriated and specified for expenditure for new construction and procurement of aircraft and equipment the Secretary of the Navy may prior to July 1, 1930, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of \$10,000,000: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft where such claim does not exceed the sum of \$250: *Provided further*, That all claims adjusted under this authority during the fiscal year shall be reported in detail to the Congress by the Secretary of the Navy.

Mr. FRENCH. Mr. Chairman, this paragraph just read contains the reappropriation of \$200,000 and new appropriations to the extent of \$1,800,000, a total of \$2,000,000 to be applied toward the construction of one or more rigid airships.

After the bill had been reported to the House, and when general debate was proceeding on last Thursday, it came to the attention of the members of the subcommittee that one of the outstanding shipbuilding concerns in the United States, the American Brown-Boveri Electric Corporation, of Camden, N. J., was in position to offer competitive designs and estimates for bids for the construction of one or more of the type of ships to which I have referred, and that it desired to do so.

In view of the fact that the matter had not been brought to the attention of the subcommittee during the hearings, your subcommittee felt that it was due the House that we conduct something of a supplementary examination or inquiry into the report that had come to the committee.

Your subcommittee at once got into touch with the Brown-Boveri Co. and arranged for a hearing the following day to determine something of the plans this organization has in view that might have bearing upon the question.

After obtaining rather a full statement from Mr. Laurence R. Wilder, the chairman of the advisory committee on shipbuilding of the corporation, who was accompanied by Mr. E. H. Rigg, naval architect, and Mr. Charles Langell, chief estimator, outlining the responsibility of the company and the thought of those responsible officers in connection with the possible construction of a rigid airship, your subcommittee held a further hearing with the Secretary of the Navy, Mr. Wilbur, the Assistant Secretary, Mr. Warner, and with officers of the Bureau of Aeronautics, particularly with the thought of inquiring into the advisability of requiring new design competitions following the passage of the pending bill in event we shall carry money for the construction of one or more rigid airships as an alternative program, in lieu of a possible contract upon the basis of offers of designs made eight months ago.

Members of your subcommittee believe that it might be to the advantage of the Government to invite new designs to be followed by construction bids. Probably I should say that it is not at all unlikely that other large concerns that were not interested in the program of lighter-than-air craft one year ago to the extent of offering bids are now seriously considering the question.

The committee contemplated offering an amendment requiring the Secretary of the Navy to call for new designs and new bids. However, the Secretary of the Navy advised the committee frankly and fully that he concurred in the desirability of calling for new designs and bids and assured the committee that that would be the policy. With that thought we are not

offering an amendment requiring new offers to be made, as we are assured that this will be done.

Probably I should say further that if we had not had this understanding it is the opinion of your subcommittee that calls for new designs and bids would need to have been made under the law. Members of the subcommittee question the sufficiency of authority to contract for two ships upon the basis of calls for designs and bids when only one ship had been appropriated for; and hence, that there may be no uncertainty whatever, it seems to the subcommittee that the slate should be wiped clean and invitations made anew for designs and construction.

I should say that the Secretary of the Navy concurs in the general thought I have indicated, and should the bill pass carrying money for rigid airships he will undertake the problem of assembling competitive designs and estimates for construction upon the basis of a new program.

I recognize that there may be those who will feel that contracts should be entered into upon the basis of designs already made. Your subcommittee was very particular to inquire whether or not the Government had gone so far as to incur any liability and was assured that it had not. No one can be more appreciative than the members of the subcommittee, because of their knowledge of the facts, of the research and studies and expenditures incurred in connection with the preparation of designs upon the part of the successful design competitor in 1927—the Goodyear Tire & Rubber Co. Even so, since no obligations have been assumed by the United States, your subcommittee does not feel that it would be doing the frank and just thing by the House in omitting to bring the full facts to your consideration. We are not administering our own property; we are in the position of trustees, administering the property and affairs of a great country, and we believe that in so doing we are compelled to follow the course that we have pursued.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. FRENCH. I yield to the gentleman from Maryland.

Mr. LINTHICUM. I want to ask the gentleman in reference to the language on page 34:

Provided, That the contract for such rigid airships shall (a) reserve to the Government the right of cancellation of the construction of the second airship if changed circumstances in the judgment of the Secretary of the Navy shall suggest that course as being in the best interest of the Government.

Is that in line with what the gentleman has been telling us, or does that hold back the construction of that ship?

Mr. FRENCH. That applies only to the second ship, and not the first.

Mr. LINTHICUM. We can proceed with one ship until it is completed under these provisions?

Mr. FRENCH. The right of cancellation is reserved to the Government in the construction of the second airship if in the judgment of the Secretary of the Navy it shall be wise. Suppose, for instance, the first ship shall fail to function properly. There would be a good illustration. We ought not to proceed blindly with the other ship. We felt that the department ought to write into its contract a provision reserving the right of cancellation, so that there would be no question about it. Of course, there might be other contingencies that we are not able now to see that would justify cancellation.

Mr. LINTHICUM. So that the one ship will be finished and then they will proceed with the other?

Mr. FRENCH. I do not think that will be necessary. If the gentleman will read further on he will find that we have not tied it so tightly as that, but we have provided that moneys may even be expended, where economies could be obtained through the preparation of duplicate parts, for a second ship, and yet we have limited the amount. We do not want the Navy Department to go too far and too fast on the second ship until the first one shall have been demonstrated a success.

Mr. OLIVER of Alabama. The bill also provides that the right of cancellation shall continue until the first ship is tested out and accepted.

Mr. FRENCH. That is correct.

Mr. BEGG rose.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman from Idaho have two or three minutes more. I

want to ask some questions. I want to know something about this. I am not going to try to mess up the gentleman's bill in any way, but I would like to have some information.

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Idaho be extended five minutes.

The CHAIRMAN. The Chair has already recognized the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Chairman, I yield the floor for that purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BUTLER. It has been two years since these ships were ordered. Am I right in that?

Mr. FRENCH. The law was passed in 1926.

Mr. BUTLER. Can the gentleman tell me just when, in the gentleman's mind, we may expect to see these ships completed? Are we going to complete them at all?

Mr. FRENCH. Oh, I think so.

Mr. BUTLER. Because there is no use of our bothering over in our legislative committee unless we are going to have some results. This Goodyear Co. told us that they would build these two ships for \$8,000,000, and build a hangar along with them. They ask now for \$5,000,000 to build one, and the other to cost \$4,000,000. What are we to do about it? I am not barking for any corporation or any institution. I wish to see these two ships built, or else I would like to see Congress repeal the law, and I am perfectly willing to introduce a bill to strike out all of these hold-over provisions of law providing for the construction of ships not even begun. Does my friend propose to build a hangar? It is provided in the bill that no part of the appropriation shall be used for the construction of a factory for the manufacture of airplanes. Where will this concern that my friend speaks of build the ships? The Goodyear people offered to put up a hangar that will cost at least a million dollars and build the two ships for \$8,000,000.

Mr. DAVEY. Mr. Chairman, if the gentleman will permit, the hangar is to cost from two and a half million to three million dollars.

Mr. BUTLER. I am obliged to my friend; I had forgotten that. I do not propose to antagonize this appropriation, and I could not succeed if I wanted to do it, but we have been endeavoring on our end of the program to make a bargain by which we can save some money on these ships. These people said that they would build them for \$8,000,000 and at the same time put up a hangar. The concern of which the gentleman speaks is a very responsible one. I know of it over at Camden, N. J. It makes a fair contract, and it does fine work, but where will it build this great big balloon? It requires a big barn to build a balloon in.

Mr. FRENCH. May I answer the gentleman's inquiry now?

Mr. BUTLER. Yes. I fear I have asked a pretty long question.

Mr. FRENCH. When the representatives of the department were before the committee a year ago it was contemplated at that time that if one dirigible could be built by contract, the hangar of the Government at Lakehurst would be utilized. When designs were called for and negotiations undertaken looking to a contract, the Goodyear people, the winner of the first place in the design contest, felt that it was altogether out of the question to use the Lakehurst hangar, that the expense would be such that they ought not to do it. They felt that the limit of cost of \$4,500,000 was such that it precluded the company building a hangar of its own. In trying to be safe, it appears that probably we tied the department too tightly as to limit of cost. In this bill we have raised the limit of cost on the first ship, and we recognized that since airships pertain to a new industry in this country, whatever concern will build in such a way as to win the contract will need to build a hangar or else use the Lakehurst hangar.

I do not believe that any manufacturing concern other than possibly the American Brown-Boveri Co. would be near enough to Lakehurst to make the utilization of that institution available. Even so, this company would prefer to build its own hangar. I think if the contract were to be awarded to the Goodyear people, they would need to do what the gentleman has suggested—build a shed or hangar within which to construct the ship.

Mr. BUTLER. Is the gentleman satisfied that all of the equipment that is necessary to be provided is in that hangar at Lakehurst ready to build these ships?

Mr. FRENCH. No; I am not. If the Government should build one or more of the airships, we would need to use the Philadelphia air factory as well as the Lakehurst hangar, and we would need to extend their facilities.

Mr. BUTLER. How much money will the Government have to expend in order to prepare that hangar at Lakehurst in which this ship can be built?

Mr. FRENCH. In a general way we went into that question, and we were told by the department that the rough estimates, if the Government itself were to build one of these ships, would be somewhere around \$4,500,000.

The CHAIRMAN. The gentleman's time has expired.

Mr. BUTLER. I will ask that the gentleman may have five minutes more. I am not quite through. Of course this is subject to a point of order.

Mr. SHALLENBERGER. Mr. Chairman, I request that the gentleman from Pennsylvania [Mr. BUTLER] may have five minutes.

Mr. BUTLER. I ask unanimous consent that the gentleman from Idaho [Mr. FRENCH] may have two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BUTLER. I only asked permission to make this inquiry in order to subscribe myself among the list of those who favor what is known as "Coolidge economy." You can get these two ships down flat and plump for \$8,000,000, under bond, given by this corporation, the Goodyear Co., for performance. On top of that they will give us security to put a hangar up that will cost an enormous sum of money, so that hereafter if the Government needs additional ships of this character it will have these places in which to construct them. They are not spending any money uselessly. I would like to live to see the time when we would build these ships.

Mr. FRENCH. The calling for new designs and bids would probably have the effect of a delay for several months. I do not think it would have the effect of delaying longer.

Mr. BUTLER. These people never made any offer to our committee that I ever heard. I do not think they have ever made any suggestion at all. Nothing came to us but the offer of the Goodyear people. They give bond for the faithful performance of contracts. I think it is a good thing.

The CHAIRMAN. The gentleman's time has again expired.

Mr. BEGG. Mr. Chairman, I would like to ask unanimous consent to proceed for 15 minutes, if I might.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. DAVEY. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes after my colleague has finished.

Mr. DYER. Those are requests that should be put separately.

The CHAIRMAN. The Chair will put the requests separately. The gentleman from Ohio [Mr. BEGG] asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague for the purpose of enabling him to make a request?

Mr. BEGG. Certainly.

The CHAIRMAN. The gentleman from Ohio [Mr. DAVEY] asks unanimous consent to speak for 15 minutes following the gentleman from Ohio [Mr. BEGG].

Mr. LAGUARDIA. Reserving the right to object, I suppose those two speeches are both on the bill?

Mr. DAVEY. I will say that for the time being my colleague and I are agreed.

Mr. ABERNETHY. Reserving the right to object, I trust there will be no political debate, one in favor of a Democratic candidate and the other in favor of a Republican.

Mr. LOZIER. Reserving the right to object, Mr. Chairman, I would like to inquire if either of these gentlemen has in his inside pocket a letter written by the other? [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio [Mr. DAVEY]?

There was no objection.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I agree wholeheartedly with my friend from Pennsylvania [Mr. BUTLER]. I am not at all in sympathy with the idea of provoking an additional delay in the beginning of the construction of these dirigibles. Let me say that in the remarks I shall make I do not intend to be in any way unkind. But the facts are as they are, and I can not change them.

Now, as to this Swiss-American concern, this Brown-Boveri Co., I would like to call attention to the fact that the gentleman from Idaho [Mr. FRENCH] asked Mr. Wilder if it was an all-American concern, and in the hearings not once does Mr. Wilder deny that it is a foreign corporation. But he says repeatedly in his testimony that the Swiss concern, the Brown-Boveri Co., furnished them the patents and the engineers, and they have two members on the board of directors.

That does not mean a thing to me. I would personally, perhaps, just as willingly let a contract to an all-foreign concern;

but when it comes in the way it does, it does not at all increase my faith in the sincerity of the bidders.

This Brown-Boveri Co. was organized in 1925. The Navy Department advertised for bids and designs in 1927, two years after these people were in existence. Now, if their interference at this time, if their injection of an implied cheaper price, be worthy of attention, I call the attention of the committee to the fact that there is not in evidence anywhere a single line in writing by an authorized officer of this Swiss-American concern binding that concern to do anything for the American Government.

In 1927—last spring—the Navy Department advertised publicly for bids for design and construction of these dirigible ships. Now, there were approximately 30 bidders and designs; some institutions or companies, others individuals. The Navy Department had drawn up a scale of ratings on the basis of 100 per cent. The Goodyear Co. rated 103 on the grading of the Navy Department, and the nearest competitor to the Goodyear Co. rated 86, and the next competitor rated 77. In other words, there was a differential in favor of the Goodyear people of almost 20 points.

Now, that is to be easily understood. Let this House familiarize itself with the personnel of the Goodyear Co.; and for the information of the Navy Department and of the House I want to go on record as being opposed to a delay of six or eight more months for the purpose of giving an opportunity to a concern as to which I will say there is doubt in my mind about its good faith and the good faith of that concern's bid.

The gentleman who appeared before the committee, Mr. Wilder, has no license to make any claim to anything about a dirigible. He says they have associated with them a couple of college professors. They may be theoretical; they may be authorities in the field of engineering theory, and I will not question that. Then he refers to Captain Heinen, and he quotes him at length in the hearings, but I challenge any man living to show me a line in the biography of Captain Heinen which justifies the assumption on his part that he is any kind of an engineer in navigation. It is true he was a pilot at one time, but there is some doubt about his ability to continue as a pilot in the only real job he ever had.

Now, contrast that with the personnel of this Goodyear Co. Dr. Karl Arnstein was with the Zeppelin company in Germany as its chief engineer for 10 years. He constructed one of the first duralumin structured airplanes and was closely associated with the design, stress, analysis, and construction of the two types of metal airplane. Eugen Brunner, from 1911 to 1924, 13 years with the same Zeppelin concern in Germany in charge of design of power and passenger cars and accessories for airships, and so on. All doctors from the best engineering schools in the world. Herman Richard Liebert, from 1918 to 1924 with the same Zeppelin company in charge of experimental work, aerodynamic computation, experimental designs, and so on, now a member of the Goodyear concern. Benjamin Josef Schnitzer, from 1915 to 1924, nine years with the same concern in Germany and up until the present time with the Goodyear concern, in charge of design of hull structure, landing, handling, and mooring devices. Paul Helma, another German Zeppelin man, with experience in strength calculation on airships. Dr. Wolfgang Klemperer, from 1921 to 1924 with the same Zeppelin concern in charge of research work on wind channel and in flight; developing and testing instruments for airships and testing experimental airship parts. Lorenz Rieger, out of the same concern in Germany, in charge of design and construction of airship power plants. Eugen Schoettel, from the same concern. He spent one year in design and installation of instruments and miscellaneous apparatus; three and a half years in design, construction, and testing of new airship parts, miscellaneous projecting, and so forth, and four years in projecting department in charge of outer cover, gas bags, valves, and so on. Karl Huertrie, another man out of that company, superintendent of fabric shop, manufacturing all covers, bags, gas valves, interior equipment, and so on. Directed the inspection and testing of all textile material used on airships and supervised all work on gas-cell netting and miscellaneous rigging. Hans Keck, who had charge of control arrangements, mooring arrangements, special tools, dies, jigs, and so on. William Fischer, who spent one year on experimental work and three and a half years on projecting work. Kurt Bauch, specialist in stress analysis and strength calculation.

Now, I want to call your attention to the fact that the Goodyear Co. is in this through patriotic motives, because the president of the Goodyear concern, Mr. Litchfield, I believe, is a man who has as much vision as any man in business with whom I have ever been permitted to come in contact. Mr. Litchfield believes the dirigible will become a vehicle of commerce in the

immediate future, and I believe in the light of the developments in the rest of the world that he is justified in his belief.

Germany will put into operation between Seville, Spain, and Rio de Janeiro this year a passenger-carrying and a material-carrying ship through the air; and right now, according to information that comes to me, a Britisher by the name of Birney is in the United States undertaking to execute a contract with the American Government for 10 years to carry mail across the Atlantic in these rigid airships. Here we are in this country, and if we let this contract next week the very closest possible time we can get a ship into operation is, perhaps, 30 months.

Mr. BUTLER. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. BUTLER. Is the gentleman aware that unless these airships are begun within 90 days the contract is off and that the authority is gone? That is my recollection of the act of Congress—that they have to be begun before the 1st of July, 1928.

Mr. BEGG. I have the act here.

Mr. BUTLER. Is that true—that in 90 days from now these ships must be begun?

Mr. LINTHICUM. Is not the gentleman wrong in using the plural? You can not begin the second one until you have the first one.

Mr. BEGG. But we can begin the construction of airships by starting one.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. LAGUARDIA. The gentleman does not believe the Postmaster General or anyone connected with the administration would enter into a 10-year contract to carry mail by air to Europe with a foreign concern?

Mr. BEGG. Whether the Postmaster General enters into that contract or whether he does not, it is evidence of what the rest of the world is doing in the development of rigid airships. And while we are sitting idly by, along comes this spurious bid, made after 12 months. I ask you where were the Brown-Boveri Co. last summer when designs were called for? Why, if you are going to postpone action for another eight months in order to accommodate this company, what is to hinder some other shipbuilding company a year from now from coming in and saying, "Give us another six months; we would like to bid"? This company is taking no chances in the world, because, as I said a moment ago, there is not the scratch of a pen anywhere which will bind the Brown-Boveri Co. They are not bound to the payment of one dollar—not a dollar—and yet they are coming to Congress and trying, through irresponsible statements, to throw a monkey wrench into the machinery and hold up the construction of these rigid airships for six months and, so far as I am concerned, knowing the Goodyear Co. as I do and that company having in its employ the engineers I have mentioned, at a cost, perhaps, of a half million dollars, for a number of years, I would not permit the Navy Department to postpone the construction of these dirigibles or, at least, the construction of one of them. If they want to advertise for the other one, that is an entirely different matter.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. SHALLENBERGER. I would like to ask the gentleman whether this man Wilder, to whom he has referred, is the same one who has been writing us and saying that he will build ships to cross the ocean in four months if we will loan him \$75,000,000?

Mr. BEGG. He is the same gentleman.

Mr. SHALLENBERGER. And if it is required in the law that the airships shall be started in 90 days, I understand the Goodyear people are ready to start them, and I may say that I rather liked the list of names which the gentleman read.

Mr. BEGG. There are no better gentlemen in the world and they are ready to proceed.

Mr. SHALLENBERGER. I thought mine might fit in very well with theirs.

Mr. BEGG. They can start construction in one hour after the Government signs the contract.

Mr. LAGUARDIA. Has the Navy Department prepared the plans and specifications?

Mr. BEGG. Yes.

Mr. TABER. Does the gentleman understand that the Goodyear proposition with their design was not submitted in accordance with the aircraft procurement law and that it would be impossible for the Secretary of the Navy to let a contract for the construction of those airships without again advertising for bids?

Mr. BEGG. No; the gentleman is entirely wrong when he makes that statement.

Mr. TABER. That is exactly the legal situation.

Mr. BEGG. The gentleman is entirely wrong, and all the gentleman has to do is to call up Secretary Wilbur and Secretary Wilbur will advise the gentleman that if the legislation were passed they would sign a contract with the Goodyear Co. as soon as the details about the design were worked out.

Mr. TABER. Saturday Secretary Wilbur did not say that.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DAVEY and Mr. O'CONNELL rose.

Mr. DAVEY. Mr. Chairman, I ask unanimous consent that my colleague's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. O'CONNELL. Why does not the gentleman ask the gentleman from New York the source of his information?

Mr. BEGG. I would like to first answer the statement of the gentleman from Nebraska. This same man Wilder is proposing to build a ship—not an airship, but a water ship—to cross the Atlantic, as he claims, in four days. If the dirigible proves practicable—and I am perfectly willing to admit it is an experiment and that the rest of the world is two years ahead of us—there will not be much opportunity for this four-day ship.

Mr. LAGUARDIA. For cargo.

Mr. BEGG. Two hundred tons can be carried in this six and a half million cubic foot ship.

I want now to say a word about this \$4,000,000 offer made by this Swiss-American concern.

Mr. LINTHICUM. Will the gentleman tell us how fast these airships travel?

Mr. BEGG. I will ask the gentleman from Idaho to answer that question. I have an idea, but I do not want to make a positive statement about it.

Mr. FRENCH. The hearings have indicated that ships of this type would be able to travel at 60 or 80 and perhaps more miles per hour.

Mr. LAGUARDIA. It depends on the wind. If she gets a tail wind, you add, and if she gets a head wind, you subtract.

Mr. FRENCH. And you must remember we have not had a ship like this.

Mr. BEGG. Let me say further that it is very interesting to read the testimony of this man Wilder. He admits connection with a foreign concern, and he speaks of a Capt. Anton Heinen. This [indicating] is the Journal of the American Society of Naval Engineers, and here is what they say about the testimony of Captain Heinen on the wreck of the *Shenandoah*:

The testimony of Capt. Anton Heinen being of a very positive nature, requires on certain points equally positive refutation. While there is no disputing the fact that Captain Heinen is an expert operator of rigid airships, we have in the record his own statement to the fact that he is not an engineering expert.

Now, just a word further. The statement was made by the gentleman from Idaho [Mr. FRENCH] that the Lakehurst hangar would probably be too far from Goodyear for the ship to be built by the Goodyear Co. The Goodyear people can erect this ship in the Lakehurst hangar if the Government wants to surrender the use of the hangar for three years; but in their bid of \$8,000,000—and keep in mind that the Brown-Boveri Co. wants \$4,000,000 for one ship and the Goodyear will build two for \$8,000,000—they will erect a hangar that in any time of national emergency or anything of that sort would be available to the Government wherever they decide to build this ship, let it be in Ohio or anywhere else.

Mr. O'CONNELL. Wherever the Government decides?

Mr. BEGG. Wherever the Government decides it wants it to be built they will build this hangar, and the lowest estimate that has been given me by Mr. Litchfield for the cost of the hangar is \$1,500,000, and he has said, as my colleague from that particular city states, it may cost two and a half million dollars. Mr. Litchfield said further to me:

Mr. BEGG, if building two Government ships at \$8,000,000 was the end of the program in my belief, I would not think of submitting a bid, but I believe the dirigible will become the transporter of materials and men over great bodies of water just as certainly as the airplane will become the transporter of material and men over the land, and because of that belief I am willing to risk from \$500,000 to \$1,000,000 of my company's money in performing the experiment with the Government.

Will we, I ask you, permit an irresponsible bidder, who had every opportunity and every chance in the world to put in a bid last year, to come in now and throw a monkey wrench into the machinery and bring about a delay of six months, or will

we speak positively to the Navy Department and direct them to proceed with the construction of one ship at the very earliest possible moment. [Applause.]

The CHAIRMAN. The Chair desires to make a statement. While the Chair entertained a request a moment ago by the other gentleman from Ohio [Mr. DAVEY] to be recognized for 15 minutes following the gentleman from Ohio [Mr. BEGG] the Chair does not desire this procedure to stand as a precedent. In the opinion of the Chair recognition is entirely in the hands of the Chair and it might prove embarrassing to the committee to have the precedent established that the time may be controlled in advance.

Without objection, the Chair will now recognize the gentleman from Ohio [Mr. DAVEY] for 15 minutes.

There was no objection.

Mr. DAVEY. Mr. Chairman, I would like first to read from the testimony of Mr. Wilder before the subcommittee. He says:

We do not believe dirigibles will be practical for North Atlantic use for the next 20 years because of weather conditions there.

Here is a man who suddenly comes into view and wants to secure a Government contract on a proposition with which he is not acquainted, comes before the subcommittee and makes the statement that he does not consider the dirigible practicable within the next 20 years. That, I think, illustrates his state of mind.

I might be frank in saying that this sudden burst of enthusiasm on the part of the concern from Camden, N. J., is in a way a surprise proposition and hard to understand. But inasmuch as the gentleman's name is Wilder, I should say perhaps the name illustrates the type and character of the proposition.

To me it seems the concern has come as an interloper. I am wondering, as my colleague has said, not only where the concern was last summer, but I am wondering where they were two and a half years ago.

At the beginning of the struggle to bring about an American development in the construction of the great and new dirigibles in the efforts for the advancement of commerce—I am wondering where they were in the winter of 1927 when competitive designs were requested and bids called for. Perhaps it may be understood by referring to the program that this particular concern is interested in, that fast-going steamships will cross the Atlantic in four days. I understand their proposition calls for the Government, through the Shipping Board, to provide the necessary money for that wonderful new enterprise of four-day transportation—the Government to provide the money at a low rate of interest to finance the concern in their enterprise. In other words, they come here primarily with a selfish proposition asking the Government to finance an enterprise dealing with fast steamships for transportation across the Atlantic.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. LAGUARDIA. I do not know who this company is, but I have read the hearings and I do not want the gentleman to leave the impression that they want the Government to finance them.

Mr. DAVEY. I mean on the steamship proposition.

Mr. BRITTEN. I know the gentleman from Ohio wants to be fair. The gentleman ought not to leave the impression that this company desires the Government to finance the shipbuilding activities. That is not quite correct. The Brown-Boveri Co. does desire financial aid through the loan fund of the Shipping Board. That is existing law that any ship that is built right now the operator can borrow 66½ per cent on the cost from the Shipping Board.

Mr. DAVEY. To be paid back when?

Mr. BRITTEN. In the next 20 years. The Brown-Boveri Co. have requested that this 66½ per cent be increased to 75 per cent, and the Government is working along that line now.

Mr. DAVEY. I am glad to accept the gentleman's correction, but it is Government aid they want just the same.

Mr. LAGUARDIA. The gentleman knows that this is no other than the New York Shipbuilding Co.?

Mr. DAVEY. It seems to me when they ask the Government to back their enterprise it is simply a promotion scheme. These people come here not at the eleventh hour but at the eleventh hour and fiftieth minute and offer not a specific proposition—they say they will build an airship for \$4,000,000. They do not say how big and they offer no design. What have they in the way of equipment? Nothing. They have no experience, no personnel; but they want to get a contract that has been developed through the labors of others.

Here is a concern in the district that I have the honor to represent, a concern that has been laboring on this proposition for many years. They have spent within the last few years

a half million dollars to prepare themselves technically and otherwise for the construction of a great dirigible airship. They have a large equipment and adequate preparations together with expert labor and experience to enable them to go ahead.

Now, this interloping concern—and that is just what it looks like to me—comes down here and offers to build a dirigible for \$4,000,000 without reference to size or anything else, and they want to use the hangar at Lakehurst belonging to the Government. In other words, they ask the Government to furnish the workshop in which to build it.

Mr. BACON. Has the gentleman read the hearings?

Mr. DAVEY. I have.

Mr. BACON. As I read them they offer to build a hangar at their own expense.

Mr. DAVEY. I do not so understand.

Mr. BACON. It is so stated in the hearings.

Mr. DAVEY. I have been told by officials of the Navy Department that their whole proposition was completely indefinite, that nobody knows what they offer to do.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Yes.

Mr. LAGUARDIA. Disregarding the two companies we have under consideration just now, but assuming all things to be equal, does not the gentleman believe that with the present development of the art it would be a good thing to have the two ships built by different concerns, on different plans.

Mr. DAVEY. If we are willing to pay the excess cost of dividing the contract, that might be all right; but it has been demonstrated by calculation that there is an immense saving in building both under one head.

Mr. LAGUARDIA. I realize that, but I say with the present development of the art I think it would be a good thing, always assuming that the conditions are equal.

Mr. DAVEY. Do I understand the gentleman to suggest that the experience one concern gains in the building of one dirigible should not be applicable to the building of the other dirigible?

Mr. LAGUARDIA. This would be the first big dirigible that the present firm would have constructed. Therefore I believe that out of the two constructions, with the present state of the art, it would be advantageous to have different ships, assuming that the other concern has designs of its own.

Mr. DAVEY. With all due respect to the gentleman's suggestion, that has not been contemplated up to date. I would like to develop one or two more thoughts in this connection. If, as I have understood, it is the idea of this interloping concern to use the hangar at Lakehurst as their workshop, what are you going to do with the *Los Angeles* during the period of construction?

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Yes.

Mr. TABER. Has the gentleman read the hearings? Does he understand that these people, when they talked about competing, stated that they would build their own hangar at Camden?

Mr. DAVEY. I have understood that their whole proposition is very indefinite.

Mr. TABER. That is what the hearings show.

Mr. DAVEY. A responsible official of the Navy told me this morning that if it is built at Lakehurst, they will have to abandon activities at Lakehurst during a considerable portion of the period and that the *Los Angeles* during that period will have to be stored some place out of the way.

Mr. HARDY. Does the gentleman mean that this Congress ought to decide on the firm that should make this airship?

Mr. DAVEY. No. I am saying these things to indicate what seems to me to be the logic of the situation.

Mr. HARDY. Just why does the gentleman knock a concern in another State so hard, if he is not trying to force the building of a certain ship at a certain point. It seems to me that we ought to let the Navy Department decide where it will let these contracts.

Mr. DAVEY. That is perfectly all right.

Mr. HARDY. Does the gentleman object to competitive bidding on this proposition?

Mr. DAVEY. I am not worried at all about that; but I wanted to get certain facts into the RECORD, because I have understood there is a gentleman's agreement between the committee and the Secretary of the Navy with reference to this contract and the delay involved.

Mr. LAGUARDIA. We can not build ships by gentlemen's agreements.

Mr. BUTLER. We ought to know about that. No gentlemen's agreement goes in this House in a matter of that kind.

Mr. DAVEY. I meant not with reference to a contract, but with reference to further competitive bidding.

Mr. HARDY. Let me say that the only interest that this committee has is to see that there is no gentlemen's agreement between the Members from the State of Ohio and a local institution in Ohio—

Mr. DAVEY. That is all right.

Mr. HARDY. About that contract, and the only interest that this committee has is to see that this thing is left wide open to the whole United States, and that any firm in the United States can bid upon it. There is no agreement between this committee and the Secretary of the Navy. The only thought is that the Secretary of the Navy will throw the thing open to competitive bidding.

Mr. DAVEY. May I say in that connection that I would under no circumstances question the committee, because I think they have acted in good faith and they have the interest of the Government at heart. The things I have attempted to say have reference to a concern that has been sleeping for two years and a half and have come down here at almost the twelfth hour and put in an indefinite proposition, with no equipment, no experience, no personnel, and have asked the Government to delay a program that is already two years late.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Certainly.

Mr. ABERNETHY. The gentleman from Ohio [Mr. BEGG] indicated that this firm which the Navy Department was dicker-ing with had some foreign interests connected with it. Is that correct information?

Mr. DAVEY. I really do not know. I would not attempt to answer that because I do not know.

Mr. BRITTEN. Mr. Chairman, will the gentleman permit me to ask a question?

Mr. DAVEY. Yes.

Mr. BRITTEN. The hearings indicate that every dollar that has gone into their Brown-Boveri Co. has been supplied in the United States.

Mr. BEGG. Mr. Chairman, will the gentleman permit me to ask the gentleman from Illinois a question?

Mr. DAVEY. Yes.

Mr. BEGG. Do the hearings indicate how much voting stock is given to the Brown-Boveri Co. for the use of their patent?

Mr. BRITTEN. No.

Mr. BEGG. Of course they do not show that.

Mr. TABER. Is that the fact?

Mr. BEGG. I do not know, but there are two boards of directors.

Mr. TABER. That is just speculation on the gentleman's part.

Mr. BEGG. The gentleman from Ohio has had enough business experience so that he knows he is not putting his patent in for some other fellow to play with.

Mr. ABERNETHY. I think it a very important matter, when we are building ships that might be used for purposes of warfare in the future, to ascertain if any foreign interests have any interest in this company that has undertaken to build them.

Mr. BRITTEN. The Brown-Boveri Co. is now building three of our first-line cruisers at the present moment. It is the New York Shipbuilding Co. I will agree with my friend from Ohio that they have never built an airship and probably never will.

Mr. BUTLER. They are building one cruiser and taken over another to finish. The Cramps failed on it, just the engines.

Mr. BEGG. I am reading the testimony of Mr. Wilder, found on page 8 of the supplemental hearings. He says:

The securities of the American Brown-Boveri Co. were entirely financed in America, and there was no money put into it by the Swiss concern.

Further on he says:

We use the name "Brown-Boveri" because of its international reputation.

Mr. TABER. Along electrical lines?

Mr. WILDER. Yes, sir. As I have said, the stock of the corporation was entirely financed in America. Now, the Swiss have two representatives on the board of directors, but both of them are American citizens.

Do not think these people are fools enough to furnish the money and let foreign interests sit on the directorate.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DAVEY. Mr. Chairman, may I have five minutes additional?

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DAVEY. I further refer to the question propounded by the gentleman from Colorado [Mr. HARDY], for whom I have great respect. I would like to say this: There has already been keen competition upon this proposition. There was competition a year ago. It is not a beginning of competition at this time. We have had the competition last year. The whole country was invited to compete in the winter of 1927, everyone who was legally entitled to in the United States. It was open to anyone.

I would like to know where this concern was at that time. Why were they asleep in 1927?

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Yes.

Mr. SCHAFER. In letting contracts for public buildings you sometimes have only one or two bidders, but it does not necessarily follow that one bidder is going to get the contract. They readvertise.

Mr. DAVEY. The Goodyear Co. received a rating almost 20 per cent above the next highest bidder.

Mr. BEGG. There were 29 other men besides the Goodyear institution, and they were aware of the fact that the Government wanted them to bid. It seems peculiar that at this time the Swiss-American concern did not get in.

Mr. DAVEY. Who constitutes the technical staff of this concern down in Camden? What is their experience and background? One Captain Heinen—the captain part of it is a courtesy title—corresponds to an airship designer and engineer very much as an expert chauffeur corresponds to a designer of automobiles. He is an expert chauffeur, and that is all. They have absolutely no technical staff that is prepared to approach this problem. They have no equipment, no experience, no background, no preparation for it at all. They come in when the thing is all done and ask for a delay in the proceedings, so that they may get ready and think out a plan of some kind to submit in competition with the well-matured and long-developed program that has already been submitted to competition.

With that statement, gentlemen, I am glad to yield the floor, and I thank you sincerely for your patient and courteous attention. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LANHAM. I know nothing of the relative merits of these two companies and, accordingly, do not address myself to that phase of our inquiry. In that regard, like most of you, I must rely upon our experts in the service who will have in charge the final determination of this matter. But I am very much interested in the early construction of these dirigibles, because I believe that our country, with all its preeminent advantages in the lighter-than-air field is likely to lag.

Something has been said in this debate to intimate that the dirigible is not a practical ship for aerial operation. We are so prone to forget history, gentlemen. Heavier-than-air planes have flown on more than one occasion from America to Europe, but many pilots have lost their lives in unsuccessful attempts to fly in heavier-than-air planes from Europe to America. Yet the fact that a dirigible has made the round-trip trans-Atlantic flight with relative ease is passed by with little thought and less comment. The British airship, the *R-34*, paid us a visit a few years ago and then returned safely to England. The *Los Angeles* was delivered to us from Germany by trans-Atlantic flight. Dirigibles have long been used in European transportation. A dirigible has flown over the North Pole, and recent press dispatches indicate that another foreign dirigible is being prepared to duplicate that feat. A dirigible has made a round trip transcontinental flight in the United States. The *Los Angeles* recently flew from New Jersey to Panama and then returned. We are so prone, I say, to question the utility and practicability of the dirigible and to forget very plain facts of history concerning it. Some of its accomplishments have not been duplicated with heavier-than-air machines.

I do not want our country to fall behind in this field of activity. There is every reason why it should forge ahead. The dirigible has a function which the airplane can not perform. I

refer to the work of scouting, or reconnaissance, especially at sea. The dirigible can go to great distances, stay in the air for long periods of time, and has the characteristic advantage of being able to hover. No other kind of ship can render some of its peculiar and helpful services.

This country is specially blessed in the lighter-than-air field by reason of the fact that a kind Providence has given it a practical monopoly of the agent and element which makes lighter-than-air operations safe and sane. I refer to our supply of helium. I do not know why the Almighty in His wisdom has vouchsafed this element to us only. I have hoped sometimes that it might be a token of a better era to come when, with this agent of offense and defense possessed by no other nation, we might be able through this superior advantage to help bring about international peace. [Applause.] Americans are not seeking wars of conquest. Conquest has never been our goal and, as long as we continue to cherish our high ideals, never will be. Perhaps ours is the opportunity for a nobler mission.

By the terms under which we received the *Los Angeles* we are limited in the use we may make of it. Though other countries, denied by nature a supply of helium, are building large dirigibles, we are without a single one which we may use as we please. Our airships other than the *Los Angeles* are small ones. But, gentlemen, it is most important that when these ships are built, and I think they should be built speedily, but correctly—they shall be so designed and their construction so superintended that we may conserve this great supply of helium, of which we have a practical monopoly. We can not afford to permit its careless or unnecessary waste.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. LANHAM. There have been certain inventions which have obviated very largely the necessity of the loss of helium in ordinary flight. One is the apparatus for water recovery, whereby the exhaust from the motors is condensed and a volume of water procured equal in weight to the gasoline consumed as fuel. An equilibrium in weight is thus attained, and it has obviated largely the necessity of valving helium. But in ascending to great heights and sometimes in making landings we still lose some of it by valving. We have some loss also in the leakage through various kinds of fabrics.

We shall always have the materials to build airships, but we may not always have helium. Due study should be given to methods of conserving it. I have not the technical training to enable me to speak with any authority concerning methods by which it may be conserved, but there are those who contend that there are types of construction of gas cells and the containers which hold them which will give the advantages to be derived from expansion and contraction of the gas with little or no loss of the helium used. This is an important field for study.

So, in addition to our interest in having these ships, and in having them built strongly and durably and efficiently, we have the further interest of seeing that they are constructed in such a way that we may lose as little as possible of this God-given element which is so priceless in times of peace and of war, and of which, through the beneficence of the Almighty, we have a practical world monopoly. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. WOLVERTON. Mr. Chairman and members, as a new Member of this House, I have listened with a great deal of interest to the statement of the case attempted to be made out for the Goodyear Zeppelin Co. by the two candidates for governor from the State of Ohio [Messrs. BEGG and DAVEY]. [Laughter.]

It would seem to me that when a matter of this character is before the House for its consideration, a matter that involves our national defense as well as an effort to obtain the best possible results from an expenditure of from four to eight million dollars—according to the number of dirigibles to be built—that the best interests of the country should be given

consideration rather than the best interests of a particular congressional district or a particular State. [Applause.]

I mention this fact for the reason that I have the privilege and the honor of representing the first district of New Jersey. The district which I represent has within it, at Camden, N. J., the largest and most complete shipbuilding plant in the country, known as the American Brown-Boveri Co., formerly the New York Shipbuilding Corporation.

The gentlemen from Ohio [Messrs. BEGG and DAVEY], however, have totally ignored the splendid record of achievement made by this company during the 30 years of its existence. During this time it has constructed numerous war ships and merchant vessels that have been a credit to the country. It is not exceeded by any other plant in the entire country in its capacity for high-grade work.

Notwithstanding the stability and the capacity of the plant, which has been proved by many years of exceptional service, the gentlemen from Ohio [Messrs. BEGG and DAVEY] have seen fit to refer to this well-established plant by the use of derogatory terms. They have seen fit to cast aspersions on it for no other reason than that they recognize in it a competitor of the Goodyear Zeppelin Co., which has its domicile within the State which the two gentlemen already referred to so ably represent. While I represent the district which has within it this outstanding plant, yet I do not speak for that plant merely because it happens to be in my particular district, nor do I ask that it be given any special consideration other than what will result substantially to the benefit of the country at large. I do ask, however, that if the plant located at Camden, N. J., or any other plant anywhere else in the United States, can submit to us anything that is worth while, then it is entitled to our serious thought and consideration.

This bill comes before the House after this particular matter which is now under discussion has been given very serious and thoughtful consideration by the subcommittee of the Appropriations Committee. The chairman of this committee [Mr. FRENCH] and his colleagues who serve with him have an established reputation in the House of a careful and conscientious consideration of all matters that come before their committee for action. We know by experience that when they make a recommendation to this House it is entitled to serious consideration by the membership of the House.

Mr. MURPHY. Will the gentleman yield?

Mr. WOLVERTON. In just a moment. I would take it that when this committee comes into this House and makes a recommendation as contained in this bill we can readily assume that they have gone into it with the same care and thought as is the case whenever they present a matter to us. I wish to remind the opponents of this recommendation of the committee that there is nothing to be gained by coming before the House using derogatory names and terms that are not justified by the facts. I have heard cases tried in court, and I have very frequently noticed that the weaker the case the more abusive the language addressed toward the opponent. In this particular case my good friend from Ohio [Mr. BEGG] has seen fit to repeatedly speak of the American Brown-Boveri Co. as the Swiss Brown-Boveri Co. He must know that there is no justification for such use of the name of this reputable American company. If I should adopt the same tactics, I could with great propriety inquire of him as to the nationality of the Goodyear Zeppelin Co. I do not know the nationality of Zeppelin. Is that Swiss or German?

Mr. BUTLER. German.

Mr. WOLVERTON. But when the opponents of this measure come before the House and urge us to defeat the recommendation of the committee merely upon the basis that the company, which is a competitor of the Goodyear Zeppelin Co., has a name which they say is Swiss, I say that does not go to the merits of the issue and has no place in a proper discussion of this important matter.

Now, what are the facts? The American Brown-Boveri Corporation is the successor of the New York Shipbuilding Corporation. The latter corporation has been in business in the city of Camden, N. J., for upwards of 30 years. The New York Shipbuilding Corporation has turned out of its yard some of the finest of the United States battleships, including the *Kansas*, *Arkansas*, *Utah*, *Oklahoma*, *Michigan*, *Colorado*, and last—although perhaps, the finest, because it points to the new and inevitable union of sea ships and ships of the air—the great airplane carrier *Saratoga*. It also constructed the cruiser *Washington* and about 40 destroyers for the United States Navy, and has two cruisers now under construction for the Government, and is building the engines for a third.

The American merchant marine has also been enriched by the labor of this yard. It built the ocean passenger and cargo

steamers *Manchuria*, *Mongolia*, *Congress*, *Governor*, 9 ships of the famous President class, 535 feet long, and 7 of the President class, 502 feet long. In addition to these, there have been numerous other ships, such as transports, colliers, oil tankers, and river and coastwise ships, making a total altogether of more than 360 ships built by this one yard. And let me remind you at this point that during the war, when our country was anxious to build ships as fast as possible—in that great emergency time—this shipbuilding plant at Camden, N. J., did what has never been done before or since in any one shipyard in the world—and that is that within the short space of 39 days from the time the keel was laid, a completed ship was sent forth for Uncle Sam and is still rendering important service.

Mr. BEGG. Will the gentleman yield for a question?

Mr. WOLVERTON. Yes.

Mr. BEGG. I do not care to interrupt the gentleman, but personally I agree with all the gentleman says. I am familiar with the New York Shipbuilding Corporation, but they sold out in 1925 to this Swiss-American concern.

Mr. WOLVERTON. My friend from Ohio, for whom I have so much respect, has said that they sold out to a Swiss-American concern. What does he mean by "sold out"? They have sold out nothing.

Mr. BEGG. If the gentleman will permit, Mr. Wilder says he bought them out.

Mr. WOLVERTON. It is true that in 1925 Mr. Wilder personally organized a corporation by the name of American Brown-Boveri Corporation, which took over the New York Shipbuilding Corporation. But I wish to inform the gentleman from Ohio that every dollar that went into the American Brown-Boveri Corporation in the purchase of the New York Shipbuilding Corporation was American capital, and its entire board of directors are native-born citizens of the United States. Furthermore, every employee of the company at the present time, with the exception of a mere handful, is a citizen of this country. The name of the company is not Swiss-American Brown-Boveri, it is American Brown-Boveri. And the term "American" is used advisedly, as can be readily seen from the statement just made as to its origin and the composition of its board of directors.

There is no more significance to be taken from the use of the term "Brown-Boveri" in connection with the name of this corporation than there is in the use of the name "Goodyear-Zeppelin," so favorably referred to by the gentleman from Ohio [Mr. BEGG]. It is an indication, I assume, in both instances, of a desire on the part of both companies to inform the world that they have available the famous knowledge and experience of the two names which have been made a part of their American corporate names.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that my colleague may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WOLVERTON. I wish to emphasize the fact that this company at Camden, N. J., is an American industry. It represents American money. There is not a dollar of foreign capital in the company. There is no justification for any insinuation to be cast upon it by any one as to its nationality. It is, as its name indicates, American; and the benefits that come from the operation of this company accrue to American citizens.

Mr. MOONEY. Will the gentleman yield?

Mr. WOLVERTON. Yes.

Mr. MOONEY. Does the gentleman know of any company that has directors that do not represent stock in the company?

Mr. WOLVERTON. I do not know. I do know, however, that the directors of the American Brown-Boveri Corporation are all native-born Americans; and with your permission I will inform the House as to who constitute the board of directors. They are as follows:

William M. Flook, president; Clinton L. Bardo, vice president; M. L. Sindeband, vice president; J. E. Slater, secretary and treasurer.

Executive offices, 420 Lexington Avenue, New York City; main plant, Camden, N. J.; subsidiary plants, Boston, Mass.; Sidney, N. Y.; St. Louis, Mo.

The list of directors and their connections are as follows:

William R. Begg, counsel for Blair & Co., bankers, New York City.

George A. Burnham, president Condit Electrical Manufacturing Corporation, Boston, Mass.

Allen Curtis, of Curtis & Sanger, bankers, Boston, Mass.

William M. Flook, president of the corporation, formerly president Memphis Power & Light Co., Memphis, Tenn.

Edward N. Goodwin, of the law firm of Campbell, Harding & Goodwin, New York City.

William V. Griffin, of the Anthony-Brady Estate, New York City.

James Imbrie, president Imbrie & Co., bankers, New York City.

William F. Ingold, partner of the firm Pynchon & Co., bankers, New York City.

John J. Rudolf, of A. Iselin & Co., bankers, New York City.

Theodore G. Smith, first vice president Central Union Trust Co., New York City.

Laurence R. Wilder, formerly president of the corporation, born in Chicago, Ill.

Furthermore, reference has been made by one of the gentlemen from Ohio that the technical experts who are connected with the American Brown-Boveri Corporation in connection with the building of dirigibles are of German extraction. They refer particularly to Captain Heinen. In this connection permit me to inform the House that Captain Heinen, although a native of Germany, is now a naturalized citizen of this country. If I wished to make the same sort of argument against the Goodyear Zeppelin Co., I would emphasize the names of individuals that have been given by the gentleman from Ohio [Mr. Bree] as the ones upon whom that company is depending for the construction of its dirigible. As I remember his pronunciation of them, they would each indicate that they were of foreign extraction. However, I do not hold that against them and only refer to it for the reason that I wish to emphasize how unfair is the argument which has been made against the American Brown-Boveri Corporation because of its having retained in its employment Captain Heinen. Captain Heinen was with the German Zeppelin Co. for more than 12 years, during which time he participated in the construction of more than 85 rigid airships. Our own Navy Department thought so highly of his technical knowledge and ability and his great experience as a pilot of rigid airships that it invited him, of its own volition, to take the position of technical supervisor in the construction of the *Shenandoah* and put him in charge of training the American Navy crew for that ship.

He is best known to Americans as the man who took command of the *Shenandoah* when she broke loose from her mooring mast at Lakehurst during a very heavy windstorm, and by magnificent airmanship saved the *Shenandoah*, and after a long and extremely dangerous struggle in the air, brought her safely back to her landing field, although her nose had been entirely ripped away when she broke loose. This is the man who is now on the staff of the American Brown-Boveri Corporation, and whose knowledge and skill are at the service of that company in its proposal to bid for construction of an American rigid dirigible airship. He has the stamp of approval of our own Government upon him.

The chairman of the committee, which will give aeronautical advice to the American Brown-Boveri Corporation, is Prof. William Hovgaard, who occupies the chair of aeronautics and marine engineering at the Massachusetts Institute of Technology, the foremost authority on lighter-than-air aircraft, who, I understand, is consultant of the Navy Bureau of Construction and Repair and of its Bureau of Aeronautics. The highest students at Annapolis are sent to him for a postgraduate course. I am informed that he has accepted responsibility for the design of airship for this corporation. The other expert aeronautical consultant engineer on the staff of the American Brown-Boveri Corporation is Prof. Herbert C. Sadler, professor of marine engineering and aeronautics at the University of Michigan. I call the attention of my friend from Ohio to the fact that the University of Michigan and the Massachusetts Institute of Technology both agree with me that rigid airships and ships that float in water meet very much the same conditions, and are both properly the work of shipbuilders and marine engineers.

Mr. DAVEY. Will the gentleman yield?

Mr. WOLVERTON. I will yield to the gentleman.

Mr. DAVEY. Just two questions: I would like to ask the gentleman if Mr. Wilder did not say that he did not think the dirigible would be practical for the North Atlantic use within the next 20 years, owing to weather conditions? In other words, does he believe in the dirigible or does he simply desire to halt the program in favor of the steamship?

Mr. WOLVERTON. In answer to the gentleman's question, I respectfully call his attention to the testimony given by Mr. Wilder at the hearing before the subcommittee of the House Committee on Appropriations concerning rigid airships, held on March 23, 1928. The gentleman will ascertain that no one could be more enthusiastic as to the future of this type of aircraft than Mr. Wilder. On that occasion he stated that he had sufficient faith in the future of lighter-than-air craft to consider the building of a shed at the plant of his company at Camden, N. J., at a cost of over \$700,000, and that he felt he

would be justified in building such a shed as a capital investment. He stated that if his company built one rigid airship there would be no doubt about their being called upon to build more, and that he would therefore feel warranted in the building of the necessary facilities, even at the great expense mentioned, to enable his company to go into the building of this type of ship.

In this connection I call the gentleman's attention to the fact that at no time has the Goodyear Zeppelin Co. ever indicated such faith in the future usefulness of dirigibles as to warrant the expending of any such sum of money as a capital investment. And furthermore, that the offer of the Goodyear Zeppelin Co. is not a straight contract price of \$4,000,000, as offered by the American Brown-Boveri Co. for the building of one dirigible, but a cost-plus proposition which means that the Goodyear Zeppelin Co. is experimenting at the Government's expense.

I further call the gentleman's attention to the fact that Mr. Wilder, in his testimony, called the attention of the committee to the fact that the French during the last two weeks have put on a South American service, flying from Paris to Morocco, and after a short sea trip to the east coast of South America, then flying to Buenos Aires; and in this connection he used these words:

The only way we can compete as a nation, as we see it, after this most exhaustive study lasting over two years in international transportation, is by dirigible to South America. It is too long a trip to fly by any other type of airship now in service. That is why, personally, I am so anxious to see two ships constructed at this time.

In the opinion of the American Brown-Boveri Co. officials, the building of a dirigible, a rigid airship which has a metal framework, a skeleton like a ship, is a job for shipbuilders not for balloon makers. The conditions which a rigid airship meets in flight are very much the same conditions which a ship meets under way. One floats in the air and one on the water. England knows this, and that is why the British airship, the rigid dirigible *R-100* is being built by Vickers (Ltd.), famous as a builder of ships. The American Brown-Boveri Co. has a long experience in building ships, as I have just shown to you, and it has a very wide general technical staff, because it builds heavy electrical machinery as well as ships.

I further wish to call the attention of the House to the fact that favorable action upon the bill as recommended by the committee will enable the Navy Department to take advantage of a much better offer that will be submitted by the American Brown-Boveri Co. should additional bids be requested. Mr. Wilder, representing this company, definitely stated before the committee that the outside cost of the construction of one dirigible by his company would not exceed \$4,000,000, whereas the Goodyear Zeppelin Co., by Mr. Young, informed the House Naval Affairs Committee at a hearing on December 14, 1927, that the cost of one dirigible would be not less than \$4,500,000 on the cost-plus basis. It can be readily seen that there is no limit when a contract of that character is entered into.

There is no doubt that it would be far more advantageous on the part of the Government to enter into a contract on a definite cost of \$4,000,000 with a bond that would guarantee performance than to enter into a cost-plus proposition as submitted by the Goodyear Co. under date of December 3, 1927.

Mr. DAVEY. The Goodyear Co. is willing to build one ship, but they say frankly that they can build two cheaper.

Mr. WOLVERTON. But they did not submit a proposition for one ship except upon a cost-plus basis, which does not fix in a definite way the actual cost to the Government.

Mr. DAVEY. They have made that proposition to the Navy Department.

Mr. CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. DAVEY. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOLVERTON. If the gentleman from Ohio could have been present and heard the testimony as it was given before the Naval Affairs Committee on December 14, 1927, by representatives of the Goodyear Co., then he would have understood how undecided the Goodyear Co. was in their desire to build an airship on a fixed-price basis. The testimony indicated that the Goodyear Co. had no experience in this connection, and there was an uncertainty as to what they could do. They wanted the Government to finance the experiment.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. WOLVERTON. Yes.

Mr. LA GUARDIA. As I suggested to the gentleman from Ohio, all things being equal—experience, plant, ability—it might

be better to have two firms construct these airships, each to build one, so that we could get the best out of each one.

Mr. DAVEY. At a higher cost?

Mr. LAGUARDIA. I said all things being equal.

Mr. WOLVERTON. I know the record of the Camden company. I know its ability. I know the character of the workmen, men who have made a name for the company and for themselves by what they have done.

But whatever company builds these ships, I assume that a bond will be required, and I know that the plant at Camden, N. J., does not tackle anything that it can not carry through. The Government has never lost a cent through that company. As an illustration of the economical and efficient work done by this yard, permit me to remind the House that on one occasion it completed one of our large battleships at a price of over \$2,000,000 less than what a sister ship constructed at the same time in a navy yard had cost. That is an indication of the ability of this Camden company.

But I will not say anything further along this line at this particular time, as I do not wish to stir up anything more than what we have to take care of to-day. [Laughter.] It is simply to let you know the capacity and efficiency of this particular plant, because they have the highest class of workmen, the best that could be gathered. If that company has been asleep, as suggested by the gentleman from Ohio, it is the fault of the American Congress, that has let the American shipbuilding yards, like the William Cramps & Sons, of Philadelphia, sleep the sleep of death.

Mr. BUTLER. Will the gentleman yield?

Mr. WOLVERTON. I will.

Mr. BUTLER. Does the gentleman know whether this concern that he speaks of—I know of it well—will be able to submit plans and specifications in order to obtain a contract within the next 90 days? I would not want to see one of these dirigibles lost.

Mr. WOLVERTON. I think they would be as capable of doing that as the Goodyear Co., which has never built a dirigible yet. They may have had some experience in balloons, but the New Jersey shipyard has had more experience in steel construction.

Mr. BUTLER. The statute runs against one of these ships in 90 days. I know my friend's statement is absolutely reliable, and I want to know whether or not the concern he speaks of is in a situation so that they can make a bid and submit plans within 90 days?

Mr. WOLVERTON. The company at Camden is capable of doing anything and everything that is required of it. The testimony before the Naval Affairs Committee indicated that definite plans and specifications had not been adopted as yet. The American Brown-Boveri Corporation has made a study of the design and character of the ship *R-100*, now being built in England, and considers this type of ship much more desirable than that represented by the German Zeppelin plans used by the Goodyear Zeppelin Co. I am interested in obtaining the best results obtainable for the money that will be expended, and, in this connection, remember the Camden concern gives a definite bid of \$4,000,000 for the construction of one dirigible and a saving of from \$500,000 to \$1,000,000 if two should be contracted for. The judgment of the committee is sound, and should be confirmed by the action of this House. To do so will enable the Navy Department to obtain new bids that will undoubtedly prove very advantageous to the Government.

Mr. BEGG. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BEGG: Page 35, line 5, after the figures "\$5,500,000," insert the following: "Provided further, That the Navy Department is directed to proceed at once to enter into contract for such rigid airships with the most favorable bidder in accordance with provision of existing law."

Mr. TABER. Mr. Chairman, I make the point of order against the amendment that it is legislation and is not germane to the paragraph.

Mr. BEGG. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Ohio.

Mr. BEGG. Mr. Chairman, the gentleman made the statement that this is not germane. I can not see where even this is discussable, because it is right in the paragraph having to do with the direction to the Navy Department to construct. I think it is germane. I do not think it is legislation. The whole paragraph says to the Navy Department, "Let a contract to build two dirigibles." This says to do it now at the earliest possible moment. Next, if it is legislation, it is in order, be-

cause the paragraph itself is legislation, and the point of order was not raised against the paragraph. Consequently, it can not be raised against the amendment offered to the paragraph.

Mr. TABER. Mr. Chairman, this is legislation imposing a specific duty on an executive officer, and it is beyond the connection of the preceding part of the paragraph and is entirely out of order in the bill.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. BEGG. What specific injunction is imposed on the Navy Department that is not imposed by the paragraph?

Mr. TABER. To immediately enter into a contract.

Mr. BEGG. The paragraph imposes the responsibility of entering into a contract, does it not?

Mr. TABER. The Secretary has that under the authorization law, whenever this bill carries the appropriation.

Mr. BEGG. Then, what added injunction is there upon him?

Mr. TABER. It is to immediately enter into a contract.

Mr. BEGG. I admit that. That is all it does. It says do it to-day instead of two years from to-day.

Mr. TABER. If he immediately enters into a contract, it is to be not in accordance with existing law but in violation of existing law.

Mr. SCHAFER. And what does the gentleman mean by the word "immediately"?

Mr. BEGG. I am not surprised that the gentleman does not know what the word "immediately" means, but I will tell him this: It means at the earliest possible moment.

Mr. SCHAFER. That does not mean anything.

The CHAIRMAN. The Chair is ready to rule on the point of order. The Chair thinks there can be no question that the proviso suggested in the amendment offered by the gentleman from Ohio [Mr. BEGG], which reads as follows:

Provided further, That the Navy Department is directed to proceed at once to enter into contract for such rigid airships with the most favorable bidder in accordance with the provision of existing law—

Is itself legislation, but it is offered as an amendment to a proviso reading as follows:

Provided, That the contract for such rigid airships shall (a) reserve to the Government the right of cancellation of the construction of the second airship if changed circumstances, in the judgment of the Secretary of the Navy, shall suggest that course as being in the best interests of the Government, such right of cancellation to continue until the first airship shall have been tested in flight and accepted, and (b) provide that in the event of such cancellation the total cost of the first airship and all payments under and expenses incident to the cancellation of the contract for the second airship shall not exceed \$5,500,000.

The Chair would inquire whether anyone has the authorization for the building of the two airships?

Mr. BEGG. It is in Public Act 422, Sixty-ninth Congress, passed in June, 1926, which I am glad to hand to the Chair.

The CHAIRMAN. The Chair finds that paragraph 1 of section 2 of "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of operating personnel in connection therewith," approved June 24, 1926, being Public Act No. 422 of the Sixty-ninth Congress, provides as follows:

PARAGRAPH 1. Two rigid airships of a type suitable for use as adjuncts to the fleet and of approximately 6,000,000 cubic feet volume each at a total cost not to exceed \$8,000,000 for both ships, construction of one to be undertaken as soon as practicable and prior to July 1, 1928: *Provided*, That the two airships herein authorized shall be constructed in the United States: *Provided further*, That one or both of said airships shall be constructed either under contract similar to contracts covering the construction of other vessels for the Navy, or by the Navy Department, as the Secretary of the Navy may deem to be in the best interests of the Government.

It seems to the Chair that the proviso already in the bill to which no point of order has been made is clearly legislation, and goes even further than the amendment suggested by the gentleman from Ohio [Mr. BEGG], and that the amendment offered by the gentleman from Ohio [Mr. BEGG] only in a very small particular, with reference to the requirement for immediate letting of contracts, differs from existing law, and in fact provides that even such letting shall be in accordance with the provision of existing law. The amendment is clearly germane to the proviso already in the bill, which was itself subject to a point of order as legislation on an appropriation bill, and the amendment does not enlarge the scope of that proviso. (Hinds' Precedents IV, 3836, 3837, 3862.) The Chair, therefore, thinks that the amendment is in order, and overrules the point of order.

The question is on the amendment offered by the gentleman from Ohio [Mr. BEGG].

Mr. FRENCH. Mr. Chairman, I did not want to step ahead of those speaking for the amendment, but I had understood one or two were going to speak for it. I prefer to wait and hear what they have to say. Yet if they do not care to defend the amendment, I shall want to oppose it.

Mr. BEGG. Mr. Chairman, the reason I did not want to ask for recognition is because I thought my colleague from Ohio [Mr. MURPHY] wanted to speak. I want to say a word in behalf of the amendment.

The CHAIRMAN. The Chair suggests that courtesy might lose control of the floor.

Mr. BEGG. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BEGG. Mr. Chairman and members of the committee, I call attention to the specific language of the amendment. It merely directs the Navy Department to proceed at once to enter into a contract with the most favorable bidders.

Now, if that is not the Ohio concern and is the New Jersey concern, all well and good; it is of no material difference to me at all. Let us assume that my good friend from New York [Mr. TABER] is correct in his statement that the design bids were not technically legal and that it would be necessary to readvertise them. There is not a thing in my amendment that will prevent that.

Mr. TABER. Does the gentleman admit that his amendment does not mean anything at all?

Mr. BEGG. No; I do not admit it. It is simply an intimation to the Navy Department that this House wants them to proceed at once to contract for a dirigible. If the Navy Department thinks that the right and proper thing to do is to readvertise for designs, then they have perfect authority to do that with this amendment in the bill, and there is nothing to prevent their doing that. I will read the amendment again.

Mr. BUTLER. Read it slowly.

Mr. BEGG. I will. I read:

Provided further, That the Navy Department is directed to proceed at once to enter into contract for such rigid airships with the most favorable bidder in accordance with the provisions of existing law.

If the Navy Department decides that the first step is to advertise for a new set of designs, they have the right to do that under this provision. There is no question to my mind about it. If they did otherwise they would be violating the law. This expressly says, "in accordance with the provisions of existing law."

I will say frankly that the only purpose I have in submitting this amendment is to serve notice on the Navy Department that we expect action, and do not expect to come back here next fall and find some monkey wrench thrown into the machinery.

Mr. LINTHICUM. The gentleman desires to have these airships built, as the gentleman says, at once?

Mr. BEGG. Yes.

Mr. LINTHICUM. Do you not think that June 30 of this year is pretty nearly at once?

Mr. BEGG. Certainly.

Mr. LINTHICUM. That is according to law.

Mr. BEGG. Certainly. If they have not begun action at that time they have no authority to begin.

Mr. LINTHICUM. This has not passed the Senate yet.

Mr. BEGG. Then this will do no damage. The only purpose of this amendment is to let the Navy Department know whether or not this House is in earnest and wants early action on these dirigibles. It is for the House to decide.

Mr. FRENCH. Mr. Chairman, I wonder if we can not now arrange to close the debate on this paragraph and all amendments thereto?

Mr. LA GUARDIA. I would like three minutes in opposition.

Mr. MURPHY. I want to reserve five minutes. I may not use that time.

Mr. FRENCH. Then, Mr. Chairman, I ask unanimous consent that further debate on this paragraph and amendments thereto be limited to 20 minutes, to be divided as follows—

The CHAIRMAN. The Chair will say that it can not be divided.

Mr. FRENCH. Then I will say, Mr. Chairman, that those who have indicated their desire for time are the gentleman from New York [Mr. LA GUARDIA], three minutes; the gentleman from Ohio [Mr. MURPHY], five minutes; the gentleman from Alabama [Mr. OLIVER], seven minutes, and I want some time myself.

Mr. OLIVER of Alabama. That would not give the gentleman any.

Mr. FRENCH. Then 25 minutes is suggested.

The CHAIRMAN. The Chair will recognize gentlemen when they get on their feet. The gentleman from Idaho asks unanimous consent that the debate on this paragraph and amendments thereto be closed in 25 minutes. Is there objection?

There was no objection.

Mr. LA GUARDIA. Mr. Chairman, I ask the Chair to stop me in three minutes.

Mr. Chairman and gentlemen, we all know that our good friend from Ohio [Mr. BEGG] does not introduce an amendment which is meaningless. His record in the House will not bear out anything like that. He is too intelligent a legislator to put in an amendment which is so harmless and so meaningless as he would indicate.

The whole purpose of the authorization for these airships was experimental, and that is why the law provided for two ships and provided for the separation of the total funds authorized. That is why the original law giving authority for these two ships provided that contracts should be awarded within a certain time, to wit, July 1, 1928. The present wording of the proviso in the appropriation bill, I believe, extends the time.

But the amendment of the gentleman from Ohio [Mr. BEGG] would require an award to be made for both ships at once. The amendment carries the words "at once." Under the present and existing conditions the concern in Ohio is the only one in a position to bid immediately. It would be in a position to receive the contracts on two ships, to the exclusion of everyone else.

Mr. BEGG. I would like to ask the gentleman a question. Suppose it is decided that they have no bids? You can not award a contract without a bid.

Mr. LA GUARDIA. If Ohio had no bid, the gentleman would not be on his feet at this time.

Mr. BEGG. They have two.

Mr. LA GUARDIA. Then you get them in.

Mr. BEGG. Does the gentleman from New York want us to understand he is opposed to the construction here?

Mr. LA GUARDIA. No.

Mr. BEGG. Do you want to delay it?

Mr. LA GUARDIA. No. I would like to see the Ohio concern get one and another firm get the other contract, because in the present development of the art we need to experiment. We want the best that each firm can produce.

Mr. BEGG. Then let us do it right away.

Mr. LA GUARDIA. Then will the gentleman amend his amendment and eliminate the plural?

Mr. BEGG. I am willing.

Mr. LA GUARDIA. If you did that, your amendment would be harmless. If you take out the plural, your amendment is innocent. But to compel the department to award the contract at once for two ships is detrimental to the proper development of lighter-than-air ships.

Mr. OLIVER of Alabama rose.

The CHAIRMAN. The Chair will recognize the gentleman from Alabama.

Mr. OLIVER of Alabama. Mr. Chairman and gentlemen of the committee, it so happens that I was one member of the committee that favored the building last year of one lighter-than-air ship. I now favor the building of such ships. The committee feels and we are glad to report that the Secretary of the Navy agrees with us that since we are now appropriating for two airships instead of one, that new bids should be called for, especially since no one has offered to build the one ship previously appropriated for within the limit of cost.

What are the facts? The House fixed the limit of cost for one at \$4,500,000. The Navy undertook to ask for bids on designs, and if you will read the hearings in connection with the law you will find that the Goodyear Co. did not comply with the law in that they failed to state a price for the design submitted. The purpose of the law was to require that when the design was submitted a price should be stated at which the Government might buy the design, so that the Government might have the option to buy the design if it desired to do so and ask for competitive bids thereon. They refused to sell the design or to fix any price therefor, but said in substance: "We will charge nothing for it if we are given the contract." Of course, that was not in compliance with the law and the committee, with such information before it, felt it was but fair that since we are now appropriating for two ships instead of one that bids should be again called for. The hearings disclose that another company, well financed, desires to submit a bid for one ship or both, the first ship to cost not more than \$4,000,000.

The gentleman from New York [Mr. LA GUARDIA] very properly said that if this appropriation carried for 1929 to build

two airships does not itself extend the authorization, that the gentleman from Ohio should have limited his amendment to the building of one ship if he simply wishes to comply with the strict letter of the law. The language carried in the bill unquestionably authorizes the Navy Department to contract for two ships during the fiscal year 1929.

Then why should the department be required to let a contract at once involving \$4,000,000 or \$8,000,000, when time is required to prepare and submit designs? The gentleman from Ohio [Mr. BEGG] could have had but one thing in mind in offering his amendment, namely, to require the Navy Department to award the contract to the company that had already submitted an acceptable design and might resubmit at once such design when bids were called for. The words at once might preclude a new bidder from preparing and submitting designs.

Mr. ABERNETHY. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. ABERNETHY. Do I understand it is left to the discretion of the Secretary of the Navy to let these contracts to the lowest bidder, or is there anything that would shut out any other people who wanted to bid?

Mr. OLIVER of Alabama. There is nothing in the language carried to shut out anyone from bidding, and the Secretary, under the language carried, will call for bids. Members of the committee are not unfriendly to the Goodyear Co., but felt that the House was entitled to know that in submitting their design, to which reference has been made, the law was not complied with.

Mr. MURPHY. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. MURPHY. Is it not a fact that for two years those who are contemplating the building of dirigibles have had information about this matter, and is it not a fact that for more than a year definite plans have been in existence?

Mr. OLIVER of Alabama. In reply to the gentleman from Ohio, I will say this, that perhaps more interest has been manifested in dirigibles in the last few months than ever before, largely because two large airships are nearing completion in Great Britain and one in Germany.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes and not to be taken out of the 25 minutes.

The CHAIRMAN. The Chair can not entertain a motion for time outside of the 25 minutes. The gentleman from Alabama asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. BEGG. Will the gentleman permit a very brief question?

Mr. OLIVER of Alabama. Yes.

Mr. BEGG. The gentleman said my amendment should apply to only one dirigible, but that is not necessary at all, because there is a cancellation clause in your own bill which will protect the Government.

Mr. OLIVER of Alabama. This is a complete answer to the gentleman's statement. The legislative committee gave the Navy Department authority not only to let a contract for these ships, but authorized the Navy to build one or both ships, if it so elected; and it so happens that the testimony shows that the Navy is prepared to build one ship, and within limit of cost fixed in the last appropriation bill, to wit, \$4,500,000. Your amendment might cut off the right of the Navy Department to build—since it provides that contract for two ships must be let at once.

Mr. BEGG. But the cancellation provision in the bill would permit them to cancel the other.

Mr. OLIVER of Alabama. Yes.

Mr. BEGG. Certainly you can.

Mr. OLIVER of Alabama. That has been an important matter with the committee and you will note we have continued the right to cancel after the test and acceptance of the first ship. We do not desire to unduly hasten the completion of the ships. We want the benefit of whatever the art has to offer. Perhaps Mr. Wilder and his company, just now interesting themselves in the building of lighter-than-air ships may do what the Goodyear Co. has done, bring over foreign talent with experience in designing and building this type of ship, and some time must be allowed for preparing and submitting designs.

Why undue hurry? Why write into the bill something that may raise a legal question? I submit that the bill as presented by the committee protects the rights of the Government and should not be changed. It is fair to the Goodyear Co.,

and fair to every other bidder and seeks not to discriminate in favor of or against anyone.

Mr. BUTLER. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. BUTLER. Will my friend put me right about the question of the statute of limitations? I do not want to go against the gentleman, as the gentleman very well knows; but what about the statute of limitations? Can we write something in here extending the statute for six months?

Mr. OLIVER of Alabama. Unquestionably, and the gentleman can offer such an amendment.

Mr. BUTLER. That would be a change of law.

Mr. OLIVER of Alabama. The Chairman has just held that since this section was subject to a point of order, he will permit other amendments changing the law. I will say to my friend, the gentleman from Pennsylvania, that the language carrying the appropriation for two ships clearly extends the authorization through the fiscal year 1929.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. MURPHY. Mr. Chairman and gentlemen of the committee, the training I have received here in the last few years has taught me to always be regular and stay with my committee. I am a member of the Committee on Appropriations, and I generally support them, but I am just a little bit confused this afternoon as I pick up this report and I see some one responsible for holding up the building of the dirigibles by this Government.

I see a telegram printed in this report, starting with the word "rumored" and signed by the chairman of this subcommittee, inviting at the eleventh hour, after two years of notice to those who build these ships that the Government is contemplating the building of such ships, and one year after we had definite and specific plans for the building of the ships, and 30 bidders had signified a desire to serve the Government, and yet on a rumor from some one, which the chairman of this subcommittee has not yet disclosed, the program for the building of the dirigibles is to be held up unless the amendment offered by my colleague, the gentleman from Ohio, carries.

I ask the gentlemen of this House to believe in the things that have been told you by that talented man from the great State of Texas [Mr. LANHAM], who knows more about dirigibles perhaps than all the rest of us put together. He told you what they could do. He told you what they have done, and yet in this report the man who is holding up and attracting and getting the attention of this great committee to the extent that they come in here with a special report of a special hearing, is a man who says that it will be 20 years before the dirigible will be practicable; yet within the last 40 minutes a gentleman who knows what he talks about tells the story of the cruises made by dirigibles; and at the eleventh hour, on a mere rumor, the chairman of this subcommittee holds a special hearing to throw sand in the machinery. This is why I am parting from you to-day.

I believe in regularity, and I am going to be regular; but I want the gentleman and his committee to tell this House why at the eleventh hour, after two years, you come in here with a special hearing and a special report to stop, if you please, the building of a dirigible.

I do not care who builds these flying machines. I do not care whether Ohio or New Jersey gets them, but Ohio is equipped at this time to go through with them. Ohio had faith in the Congress of the United States, and they prepared to do the things which the Government expected to do, and yet at the eleventh hour, on the strength of a mere rumor, the whole program is to be held up. I want the chairman of this subcommittee to tell the House where the rumor came from, who brought it to him, and what it is. [Applause.]

Mr. FRENCH. Mr. Chairman and gentlemen of the committee, the House is now in position to make a very grave mistake and a mistake that if it be made will reflect, I think, unfortunately upon the Congress, upon its good judgment, and will indicate that there are some Members of the Congress who are willing at this time to take snap judgment and to close up a contract upon the basis of an offer of designs that was not in proper and legal form at the time when bids and designs were called for and upon bids that were invited upon the basis of one ship actually appropriated for instead of two.

The proposition which your committee brings to you is this: If the Congress shall provide money for the construction of two ships instead of one, that new bids shall be called for and new designs submitted. There may be many concerns willing to offer bids with the prospect of building two ships which last year would not compete when only one ship was in prospect.

Does any gentleman in the House say that there is anything fundamentally wrong in this? Is there any gentleman here who

is willing to assume the responsibility of saying that your Government shall enter into a contract on the basis of estimates called for and bids submitted one year ago for one ship when all your committee wants to do now is to throw the thing wide open to the citizenship of America and say that you may call now for new bids—aye, that you must call for new bids—so that everyone who offered bids before and everyone who may be in position to offer bids now may be placed on an equal footing?

Mr. MURPHY. Will the gentleman yield?

Mr. FRENCH. Not now. Let me mention one or two things to which reference has been made.

Mr. BEGG. Will the gentleman yield for a question right on that point?

Mr. FRENCH. Not now. When I am through if I shall have the time I shall be pleased to yield.

Mr. BEGG. It is a very brief question.

Mr. FRENCH. Not now. Reference has been made to the matter of citizenship of the American Brown-Boveri Electric Corporation. Their representative came before us at our request. The matter was brought to our attention through the kindness of one of the Members of the Congress, the gentleman from New York [Mr. BACON].

When Mr. BACON advised us that that company as long ago as last December had indicated to the department, or to Assistant Secretary Warner, of the department, that it would like to offer a bid, we felt that we could do nothing that would be so fair to this Congress and the country as to call the representatives of that company before us and ask whether or not the company is or would be prepared to offer bids.

Let me go further. Reference has been made to the citizenship of owners of the company. Your committee went into that question. We asked Mr. Wilder to advise the committee of its financial condition, the ownership of its securities, and the names of its directors. In response to a question asked by the gentleman from New York [Mr. TABER] as to the citizenship of the directors and officers of the organization, Mr. Wilder replied that the statement which he filed with the committee showing the affairs of the company did not indicate citizenship of his associates, but that their citizenship is 100 per cent American.

Again on page 8 of the hearings in response to a question by myself as to foreign capital being invested in this company, Mr. Wilder replied that the American Brown-Boveri Co. was entirely financed in America and there was no money put into it by the Swiss concern. But after all, the matter of citizenship and ownership of stock of concerns that may engage in Government contracts is one that by law is placed upon the administration officers. Your committee went into the question out of abundant caution, and that we might advise the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. I wish to take the balance of my time.

The CHAIRMAN. The gentleman from Idaho is recognized for seven minutes.

Mr. BEGG. Will the gentleman yield?

Mr. FRENCH. I shall yield to the gentleman now.

Mr. BEGG. Suppose in just a year from now some other concern as responsible as the Brown-Boveri Co. comes and wants to put in a bid, and says that they will do it for \$25,000,000 less. Would the gentleman then be in favor of postponing it six months to give them a chance?

Mr. FRENCH. If the Congress should enact a law providing for three dirigibles or four dirigibles instead of two, then most assuredly I would say new bids should be called for.

Mr. BEGG. In other words, an indefinite postponement.

Mr. FRENCH. No; the former bids were offered when one airship only was called for.

Mr. BEGG. The same thing was implied in the other bids.

Mr. FRENCH. No; not implied; it was specifically provided in the law that only one ship was appropriated for.

Now, gentlemen, what does this amendment do? The amendment of the gentleman from Ohio, if it means anything, means that you are attempting to require the Secretary of the Navy to enter into a contract to build two lighter-than-air ships now and keep out any other possible competition. The proposition is an entirely different proposition from what it would be if we were dealing as individuals with something that concerned ourselves alone.

Mr. MURPHY. Will the gentleman yield?

Mr. FRENCH. Let me finish. If I am about to have a suit of clothes made by Jones & Co., and this company wants to charge me \$100 for the suit that Brown & Co., tailors, are willing to make for \$75, I have a right to turn down Brown & Co. and have my suit made by the tailors who are my friends, even though I am charged \$25 more. That is my personal affair. But the Congress does not have that right when it comes to business of the Government. When one concern by

its bid is willing to build a ship at a certain figure, and another concern of equal responsibility comes in and says it would like to offer to build the same type of ship for the United States at a less figure, this Congress—trustees of this country in a sense—are not privileged to say, "You shall not bid; we like the first firm, and we are going to let it build the ship." It is our duty to call for bids and see what facts will be disclosed. Now I yield to the gentleman from Ohio.

Mr. MURPHY. The gentleman from Idaho wants to be fair, and he can not find any fault with the amendment offered by the gentleman from Ohio [Mr. BEGG] because his amendment does not refuse this company the right to compete with the Ohio concern. What we want is an open, fair chance with those who have had the energy and ability to prepare for this. All we want is a fair chance, and the amendment offered by my colleague does not shut out competition.

Mr. FRENCH. Mr. Chairman, if the amendment of the gentleman from Ohio means anything, it means the end of competition. That is all it does mean. Unless it means that, it means absolutely nothing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken; and on a division (demanded by Mr. BEGG) there were 23 ayes and 78 noes.

So the amendment was rejected.

Mr. BUTLER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. Is all speech making shut off on this paragraph?

The CHAIRMAN. Under the agreement no further debate on this paragraph or any amendment thereto is in order, and there are no other amendments to the paragraph.

Mr. BUTLER. I would like to move to strike out a couple of words so that I could ask a question.

The CHAIRMAN. Debate has been closed upon this paragraph and all amendments thereto, and the Clerk will read.

Mr. ANDREW. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes out of order.

The CHAIRMAN. Debate upon the paragraph and all amendments thereto has been closed.

Mr. BUTLER. And I voted for that, and I am not kicking against it.

The CHAIRMAN. The Chair can not entertain a request for unanimous consent in violation of the agreement made by the House.

Mr. BEGG. Mr. Chairman, if I may be permitted, I call the attention of the Chair to the fact that the time was fixed by unanimous consent in committee and not by the House. Can not the same committee by unanimous consent undo a former agreement? I submit that as a parliamentary inquiry.

The CHAIRMAN. The Chair holds that he is not privileged to entertain a unanimous-consent request in violation of an agreement already made. The Clerk will read.

The Clerk read as follows:

NAVAL ACADEMY

Pay, Naval Academy: Pay for professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, \$259,000: *Provided*, That not more than \$36,500 shall be paid for masters and instructors in swordsmanship and physical training;

Mr. BUTLER. Mr. Chairman, I move to strike out the last word. My purpose in doing that is to go backward, like a crab. Do I understand that with the passage of this bill, if it should become a law, the time limit imposed by statute in which one of these dirigibles will be cut off after July 3 has been removed, and this will be in compliance with the law, and that these two ships may be built and the responsibility for the construction, whether early or late, rests entirely with the Secretary of the Navy?

Mr. FRENCH. My understanding is that this language, if enacted into law, will supersede the law fixing the time limit as of July 1 next, before which one lighter-than-air ship must be begun, and that it will extend authority beyond that time for the beginning of that ship.

Mr. BUTLER. I know that my friend will not object if I repeat the question I put to one of the best authorities I have ever known, and that is whether or not the passage of this law will toll the statute of limitations, so that both of these ships may be built by the Secretary of the Navy under contract even after July 1 next.

Mr. FRENCH. That is my understanding, and there is precedent for it. Submarines, for instance, carried in the 1916 program were appropriated for and laid down after the time limit of the original act had expired.

Mr. BUTLER. Then I am satisfied with that.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Current and miscellaneous expenses, Naval Academy: For text and reference books for use of instructors; stationery, blank books and forms, models, maps, and periodicals; apparatus and materials for instruction in physical training and athletics; expenses of lectures and entertainments, not exceeding \$1,000, including pay and expenses of lecturer; chemicals, philosophical apparatus, and instruments, stores, machinery, tools, fittings, apparatus, and materials for instruction purposes, \$72,800; for purchase, binding, and repair of books for the library (to be purchased in the open market on the written order of the superintendent), \$5,000; for expenses of the Board of Visitors to the Naval Academy, \$1,400; for contingencies for the Superintendent of the Academy, to be expended in his discretion, not exceeding \$4,000; for contingencies for the commandant of midshipmen, to be expended in his discretion, not exceeding \$1,800; in all, \$85,000, to be accounted for as one fund.

Maintenance and repairs, Naval Academy: For necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines, fire apparatus, and plants, machinery; purchase and maintenance of all horses and horse-drawn vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy, including furniture for midshipmen's rooms; coal and other fuels; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor; advertising, water tax, postage, telephones, telegrams, tolls, and ferrage; flags and awnings; packing boxes; fuel for heating and lighting bandmen's quarters; pay of inspectors and draftsmen; music and astronomical instruments; and for pay of employees on leave, \$1,075,000.

Mr. LOZIER. Mr. Chairman, the bill now being considered provides for an appropriation and expenditure during the coming fiscal year of \$369,190,737 for the maintenance of our Navy Department. Congress recently passed an Army appropriation bill calling for the expenditure of \$315,566,532 during the coming fiscal year for military purposes. Combining these appropriations, we have a grand total of \$684,757,269, which is the sum the American people will pay for naval and military purposes during the coming fiscal year; a sum grossly excessive and obviously wasteful. With this sum we could construct flood-control and flood-prevention works that would protect the basins of practically every river in the United States from destructive overflows.

Since the inauguration of President Harding, including sums voted for 1929, approximately \$3,000,000,000 have been expended on our Navy Department, or on an average of \$1,000,000 each day. In the same period we have expended about \$3,000,000,000 on our War Department, or approximately \$1,000,000 per day. And in the aggregate our expenditures for military and naval purposes during the Harding-Coolidge administrations have been at the rate of about \$2,000,000 per day. I can not escape the conviction that we are spending entirely too much money on naval and military affairs. The five or six billion dollars expended for military and naval activities would have brought far better and more permanent results if such expenditures had been for internal improvements, for development of our rivers and harbors, for highways, for public buildings, for farm relief, and for flood control.

If I had my way, instead of spending this \$684,000,000 for naval and military purposes, I would spend the major part of this enormous sum to finance the rehabilitation of agriculture and for the construction of works for the control and prevention of ruinous floods in all the principal river basins in the United States. That would be an investment that would return immense dividends in reclaimed lands, happy homes, prosperous people, improved social conditions, thriving cities and villages; and which would tremendously increase our national wealth.

It is shortsighted policy to spend nearly three-quarters of a billion dollars annually on naval and military affairs while destructive floods ravish our fairest and most productive valleys and carry poverty and desolation into a million homes. It is a stupid policy to sit complacently and allow millions of dollars worth of property to be swept away by these periodical and rapidly recurring floods. It is supreme folly for us to permit ruthless floods to run wild and transform our richest agricultural lands into a trackless wilderness and pestilential swamp. Why not spend less money on battleships and military and naval armaments and more on the conservation of our

natural resources and in the protection of our people from the destructive forces of nature?

The people of the Middle West, irrespective of their political affiliations, are vitally interested in the immediate adoption of a comprehensive program by the Federal Government for the control and prevention of destructive floods in the valleys of the Mississippi River and its tributaries. Largely in the last two generations the rich basins of the Mississippi and its tributaries have been reclaimed from swamp and wilderness, developed, and brought to a marvelous state of productivity. Men of brawn, brains, courage, and vision went into these uninviting regions, felled the forests, built highways, constructed levees and drainage ditches, and reared cities, villages, and attractive farm homes, transforming swamp and wilderness into one of the most highly productive, desirable, progressive, and valuable agricultural areas in the world.

This amazing transition from wilderness to gardens, orchards, and highly cultivated fields was not accomplished by the waving of a magic wand over pestilential swamp and unproductive waste, but by unremitting toil, persevering patience, and years of tireless industry and sacrificial efforts. Having unbounded confidence in the future of this potentially rich region, the landowners uncomplainingly assumed an exceedingly heavy burden of taxation, looking to the future for reimbursement. They mortgaged their lands to build homes and other improvements, to hasten the development of this fertile district, and to transform it from quagmire, bog, fen, and marsh into a region of unrivaled beauty and productivity.

The courage of the people of southeast Missouri in their long fight against destructive floods has seldom been equaled and never surpassed in the long line of events that have marked the struggle of man to overcome the hostile and adverse forces of nature. Year after year ruinous floods swept down from mountains, valleys, uplands, and plains of the West, North, and East, destroying crops, livestock, levees, fences, buildings, roads, and farm property of every description. Year after year 31 States dumped their destructive flood waters into the lower basins of the Mississippi and its tributaries. Year after year 41 per cent of the area of the United States drained its surplus flood waters into the narrow neck of the Mississippi between Cape Girardeau, Mo., and the Gulf of Mexico, destroying levees and millions of dollars' worth of property and driving into bankruptcy hundreds of thousands of landowners along the Mississippi and its tributary streams.

While many other counties in Missouri suffered almost incalculable damages from flood waters, these periodical disasters fell with excessive violence on the landowners of nine southeast Missouri counties, namely, Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard. In the 1927 flood, according to the Mississippi River Flood Control Association, the total damage in these nine counties was \$7,691,265.

In Butler County 258 buildings were destroyed or seriously damaged, the total loss in that county being \$271,300.

In Cape Girardeau County the damage was comparatively small, being estimated at \$36,500.

In Dunklin County 479 houses, stores, gins, barns, and other buildings were destroyed or seriously damaged, the total property damage in that county having reached the enormous sum of \$3,078,910.

In Mississippi County 410 buildings were destroyed or substantially damaged, the total property damage in that county being \$515,500.

In New Madrid County 1,294 buildings were destroyed or seriously damaged, and the total property loss in that county was \$802,078.

In Pemiscot County many houses, stores, barns, gins, and other buildings were destroyed or seriously damaged, and the loss in that county was fixed at \$258,875.

In Ripley County the damage was confined largely to loss of rents on lands not cultivated by reason of overflow and to injuries to growing crops. In this county the loss was comparatively small, being estimated at \$20,000.

In Scott County the property damage amounted to \$254,650.

In Stoddard County the property damage was \$1,985,350, or approximately \$2,000,000.

In the nine southeast Missouri counties I have mentioned, 310,000 acres of highly productive farming land were flooded and farm property of every kind and character completely destroyed or substantially damaged.

My colleague from Missouri [Mr. FULBRIGHT], who ably represents the fourteenth district in Congress, informs me that these statistics are very conservative and do not overestimate the loss and damage that came to these nine southeast Missouri counties as a result of the 1927 flood.

As Mr. FULBRIGHT has first-hand information as to local conditions and has made a special study of the problem of flood control and flood prevention, particularly with reference to southeast Missouri, and as he is an aggressive champion of flood-control legislation and has labored tirelessly to awaken Congress to a realization of the importance of flood-control legislation by the Federal Government, I feel absolutely safe in accepting his conclusions as to conditions in southeast Missouri and as to the character of legislation that will be most beneficial to the people of southeast Missouri.

In this connection, I desire to say in passing that while my colleague from the thirteenth Missouri district, Mr. WILLIAMS, is serving his first term, I have found him well informed in reference to all legislative problems, and especially familiar with conditions in southeast Missouri as they relate to flood control legislation. He and his colleague from the fourteenth district are supporting that brand of flood prevention legislation that will bring the best results to the people of their respective districts. I cheerfully acknowledge my obligation to them for the first-hand information as to the conditions in southeast Missouri, and as to the plan of flood control that will best protect the interests of that rich yet flood-ridden portion of our State.

Now, since the development of southeast Missouri began floods from the great Mississippi watershed have periodically ravished southeast Missouri, leaving desolation in their paths. But with commendable courage and fortitude, these stricken people, after each flood, returned to their ruined homes and "commenced life over again." They have done everything that is humanly possible for them to do to win this fight against the flood waters from 31 States. They have taxed themselves unmercifully to protect themselves from the deluge that the people of 31 States are periodically dumping on them.

The people in the Delta of the Mississippi and tributary streams between Cape Girardeau and the Gulf of Mexico, in their battle against these calamitous visitations of outlaw floods, have expended approximately \$300,000,000 in building levees and other flood-control works. Is this not convincing evidence of their courage, confidence, and good faith?

As a result of one ruinous overflow quickly following another, the resources of the people of southeast Missouri have been practically exhausted. Their present capacity to pay has been almost if not completely destroyed, the great flood of 1927 having wiped out the earnings which these people had been a lifetime in accumulating.

The victims of repeated overflows, the people of southeast Missouri are standing with their backs to the wall, desperately fighting to save a little "nest egg" out of the wreck of their former fortunes. They are the victims of conditions over which they have had no control and for which they are not responsible, but which the United States Government could and should have avoided by the enactment of a comprehensive legislative program for the control and prevention of destructive floods.

One of the most important questions before Congress and the American people is whether or not the Federal Government will continue to stand idly by and permit 31 States to dump their uncontrolled, unharnessed, and destructive flood waters on southeast Missouri and similar areas along the lower Mississippi.

Flood control and flood prevention are national, not State or local problems. The burden of preventing these periodical disasters is a load that should properly be borne by the Federal Government, and no part of it should be imposed on the States, counties, local communities, or landowners. I am opposed to all flood control bills that require the States, counties, local communities, or landowners to bear any part of the expense incident to the control of these outlaw floods that the Federal Government has heretofore negligently and unwisely permitted to run at large, unharnessed, unrestrained, and uncontrolled, to the enormous destruction of property and wastage of individual and national wealth.

The people of southeast Missouri, because of the tremendous tax burdens assumed by them in order to reclaim and develop this fertile region, and as a result of successive destructive overflows, are not now financially able to assume any part of the expense necessary to carry out this flood-control program, and there is no sound reason why the State of Missouri, the counties, the cities, the drainage districts, or landowners should bear any part of this burden.

Indeed the landowners in many of the drainage and levee districts in southeast Missouri have suffered so seriously as a result of recurring and ruinous floods, that they are not financially able to pay their drainage and general taxes or meet the interest on their farm indebtedness. Unless the National Government does its duty and does it quickly, the several

hundred thousand landowners in this vast region will be broken on the rocks of insolvency and face financial ruin.

Moreover, I believe that any flood control bill Congress enacts, should carry a definite provision for the early protection from the flood waters of tributary streams. In some of the counties in southeast Missouri and other portions of that State, much of the damage results from overflows from tributary streams, caused often by backwater from the Mississippi, or because the flood stage in the Mississippi is so high that these tributary streams can not speedily discharge their flood waters into the Mississippi. Several counties in southeast Missouri are vitally interested in having the flood-control legislation definitely provide, either now or in the near future, for protection from floods from tributary streams, in addition to affording protection from the flood waters of the Mississippi. From a careful examination of this question I am convinced that the people of these counties, and other counties similarly affected, are entitled to protection from floods from these tributary streams, and provision to that effect should be incorporated in any flood control bill enacted by Congress.

By this I mean, that the valleys of the Missouri, Grand, Chariton, Osage, Gasconade, St. Francis, Black, and other tributaries of the Missouri and Mississippi Rivers should be included in a comprehensive flood-prevention program of the United States Government, and these smaller basins ultimately protected from destructive overflows. The people in the valleys of the Grand and Chariton Rivers in the district I have the honor to represent, have for years suffered serious damages and many of them are now facing bankruptcy because of periodical overflows from these turbulent streams. Sooner or later the American people will awaken to a realization of the economic waste that annually results from ruthless overflow water from wild, unharnessed streams, and adopt methods that will arrest this needless destruction of individual and national wealth. Why longer delay this important task? Let's go. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LINTHICUM. Mr. Chairman, I rise to speak on the question of the Naval Academy merely to express a few views in reference to that great institution. It was my pleasure during the last year to serve on the Board of Visitors with Senator HOWELL, of Nebraska, and Senator TRAMMELL, of Florida, Members of the Senate, and as Members of this House, the gentleman from New Jersey [Mr. ACKERMAN], the gentleman from New York [Mr. QUAYLE], the gentleman from Iowa [Mr. RAMSEYER], and the gentleman from Massachusetts [Mr. UNDERHILL]; Senator TRAMMELL, of Florida, was made chairman, but owing to illness was not able to remain. We also had on the board Capt. William B. Franklin, a graduate of the academy; Stephen G. Goldthwaite; Ogden Reid, a great business man, a son of the late Whitelaw Reid; Harry H. Williams; and last but certainly not least that great railroad president, Daniel Willard, of the Baltimore & Ohio Railroad. These men attended those sessions and visited every part of that great institution.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield? Mr. LINTHICUM. Certainly.

Mr. RAMSEYER. I do not know whether the gentleman was at the meeting of the board when we signed that report. But the gentleman will remember that when I signed the report I especially reserved the right of further investigating the need of five cadets from each district.

Mr. LINTHICUM. I do not know what reservation the gentleman from Iowa made. How does the gentleman from Iowa know that I am going to speak on the question of five cadets?

Mr. RAMSEYER. I know the gentleman had some object in reading the names of the visitors there, among which was my own.

Mr. LINTHICUM. I desired to read the gentleman's name because of his well-known ability and judgment, and besides he has great influence in this House [applause]; and in signing this report which recommends five students for the Naval Academy I took it as his best conclusion on this proposition.

Mr. RAMSEYER. The only object I had in interrupting the gentleman was to remind him of what I said on the occasion of signing the report.

Mr. LINTHICUM. I will not go further into that. The gentleman will agree with me that we made an exhaustive examination of the institution.

The Board of Visitors, consisting, as I have said, of men familiar with Army and Navy matters, men of distinction in the business and professional world, Members of the Senate and of the House of Representatives in close touch with legislation regarding governmental activities, made an exhaustive examination of conditions at the Naval Academy.

As a preamble to our report we have taken from the annual register that for which the Naval Academy stands, to wit:

THE MISSION

To mold the material received into educated gentlemen, thoroughly indoctrinated with honor, uprightness, and truth, with practical rather than academic minds, with thorough loyalty to country, with a groundwork of educational fundamentals upon which experience afloat may build the finished naval officer, capable of upholding, whenever and wherever may be necessary, the honor of the United States, and withal giving due consideration that healthy minds in healthy bodies are necessities for the fulfillment of the individual missions of the graduates; * * *

We find the Naval Academy is efficiently performing the functions for which it was established and which it has been successfully performing for the past 80 years. The main object of the Naval Academy is to provide young men with an education which will fit them to become skillful, efficient, and worthy officers of the United States Navy. There must be certain readjustments which are being made, due to additional work of technical character, which the academy has been compelled to take up in recent years because of great inventions such as the submarine, aviation, radio, fire control, and so forth.

The board gave a very lengthy discussion and much consideration to the question of the number of students to be appointed to the institution. The report of the committee reads as follows:

NUMBER OF APPOINTMENTS

At the present time there is an attendance of midshipmen at the Naval Academy of about 1,600. The plant is sufficiently large and complete to take care of 2,400 men with only a relatively small increased expenditure for instructors and salaries of midshipmen. Since an increased attendance would enable more careful selection of final graduates, and such for whom vacancies in the line or staff of the Navy did not exist and who would be returned to civil life would form a valuable addition to the Navy in time of need, it would seem the part of wisdom that annual appropriations should be made sufficient to maintain the regiment of midshipmen at the maximum now provided by law, the status of each graduate to be that of a temporary ensign until after a two years' satisfactory service at sea, when a permanent commission shall be issued.

If you will compare this recommendation of the Board of Visitors with the report accompanying this bill, H. R. 12286, on page 7 of the report, you will find that the committee refers to the number of students at the academy as "potential total," which it says approximates 1,710, whereas, in fact, there are not 1,710 students at the academy, but only about 1,600, because of various reasons, such as the nonappointment of students by certain Members of the House and Senate, and of resignations, and so forth, so that while giving us an additional appointment at the expense of \$255,990 in this bill, which when in full operation would be \$519,167, which is supposed to give a student body of 2,112, which is also "potential," we shall in fact have only a student body of about 2,000 midshipmen.

I shall not at this time introduce an amendment to increase the number to five for each Member of Congress, including Delegates, but I am thoroughly of the opinion and in hearty accord with the recommendation of the Board of Visitors that we should have that number at all times. This would probably amount to about the capacity of the school, which is 2,400, and for which adequate provision has been made as to buildings and equipment.

This number of 2,400, or 5 to each Member of Congress, including delegates, would give a larger number from which to select those necessary to man our ships. I am of the opinion that it will require all the graduates when our full naval program has been evolved. The committee itself admits the fact that even with this full quota we will not be able to provide for the Navy and the aviation section thereof, but that men must be secured from other schools in order that we may fill our aviation quota. The question I wish to have answered is why should we take men from other schools when here is this great institution belonging to the National Government splendidly equipped and manned to provide the large number of graduates we require? Even though we should graduate more students than there are places available for them, will they not be of great benefit as a reserve force in the event of war? Will they not also be trained in governmental matters which will make them better citizens and better able to cope with the business world as well as disciplined upstanding men of their communities?

This Government of ours stands firmly for the education of its citizens, and I know of no way by which we can spend money to better advantage than the education of students in

the two great governmental schools, the Naval Academy at Annapolis and the Military Academy at West Point. They should at all times be utilized to their full capacity. I sincerely trust that the committee will see proper in the next appropriation bill to provide the five appointments each as recommended by the Board of Visitors. [Applause.]

NEW AUDITORIUM

There is now no suitable auditorium where the entire regiment of midshipmen can be assembled. It seems most advisable that a building should be erected capable of seating the entire student body.

While at Annapolis the board was particularly impressed with the fact that there was no suitable auditorium of sufficient capacity to accommodate all the student body. This the board thought unfortunate, because it is on many occasions advantageous to have the entire regiment of midshipmen present.

NEW BOATHOUSE

The boathouse, which has been in use for over 30 years, is inadequate, unsafe, insanitary, and is too great a fire risk for a building containing so much valuable equipment. It is not in keeping with the very fine buildings which compose the rest of the academy. We indorse the recommendation of previous boards that a suitable boathouse be built.

We were much interested in the unsightly antiquity and insecure conditions of the boathouse. This does not compare with anything on the academy grounds, either in looks or accommodations; it is merely an old frame structure, or if my recollection serves me correctly, I think it is composed of two old structures. If it should catch fire, I do not see how the valuable equipment consisting of thousands of dollars worth of property could possibly be saved; certainly not without great dexterity and risk of life. Of all the things which should receive our attention as to building, certainly this boathouse is the most important.

I sincerely trust this committee will grant us the opportunity to correct this situation by appropriating a sufficient sum to construct a substantial, sightly, and adequate boathouse in which to store this valuable equipment. [Applause.]

REBUILDING SEA WALL

We also recommend the rebuilding of the sea wall alongside the power plant and shop building, as the original sea wall has almost entirely disappeared and the buildings are in imminent danger. This project is urgent and necessary.

The reconstruction of the sea wall mentioned, it seems to me is of urgent necessity; it is much cheaper to do this than to risk injury to the power plant and shop building at this location.

I know of no better language to express our approval of the administration of the Naval Academy and of the general satisfaction which we found to exist than that used by the Board of Governors, as follows:

GENERAL COMMENT

The board desires to commend Rear Admiral L. M. Nulton and his able staff of assistants for the highly satisfactory manner in which the affairs of the Naval Academy are being conducted. We also desire to comment on the excellent appearance of the regiment of midshipmen, their neatness, smartness, bearing, and morale, which reflect great honor upon all the officers attached to the academy.

The board desires to express its hearty thanks to its secretary, Commander Edwin A. Wolleson, United States Navy, and to its assistant secretary, Commander Clyde G. West, United States Navy, who were most courteous and efficient in assisting the board in its work.

[Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. GAMBRILL. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. GAMBRILL: Page 37, after line 25, insert a new paragraph, as follows:

"Naval Academy, Annapolis, Md.: Construction of boathouse, \$250,000."

Mr. GAMBRILL. Mr. Chairman and gentlemen of the committee, I am going to take only a few minutes of your time for the purpose of appealing for your very earnest consideration of this amendment which I have offered. The amendment is designed to provide a suitable and adequate boathouse for the use of the midshipmen at Annapolis in order to take the place of two old sheds which have been used for that purpose for 32

years past and which have served the purpose of a boathouse, but very inadequately so.

The Secretary of the Navy has informed the Committee on Appropriations that it would be useless to attempt any repairs to the present sheds, which are of wooden construction, and which are, of course, not in keeping or harmony with the fine, imposing buildings at the Naval Academy.

May I conclude my very few remarks by saying that the Board of Visitors in 1927 made this comment regarding the boathouse, which sums up this situation very adequately:

The boathouse, which has been in use for over 30 years, is inadequate, unsafe, insanitary, and is too great fire risk for a building containing so much valuable equipment. It is not in keeping with the very fine buildings which compose the rest of the academy. We indorse the recommendation of previous boards that a suitable boathouse be built.

I hope that my amendment will receive the support of the committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

The Clerk read as follows:

MARINE CORPS

PAY, MARINE CORPS

Pay of officers, active list: For pay and allowances prescribed by law for all officers on the active list—pay and allowances, \$3,618,043; subsistence allowance, \$486,618; rental allowance, \$658,246; in all, \$4,762,907.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word. I am simply making this motion for the purpose of trying to obtain a little information. After a very large force was sent to Nicaragua in the fall of 1926, I wrote the Secretary of the Navy asking what additional expense would be involved. I received from the Secretary, for whom I have high personal regard, a letter in which he said:

Referring to the expense to which this Government is put on the coast and in the territory of Nicaragua, there is no added monetary expense because of the present employment of these naval forces, since the cost of their pay and provisions is already a fixed charge, and the amount of fuel consumed is probably about the same as would be used in the usual activities of the ships in cruising and training.

I thought he must be mistaken, because he mentioned in his letter that we had 13 vessels in the waters of Nicaragua, with 176 officers and 2,272 men. Of course, I understood that during the administration of Mr. Wilson, the administration of Mr. Harding, and the administration of Mr. Coolidge, up to the fall of 1926, there was very little expense due to our activities in Nicaragua, because the marines deemed necessary to maintain tranquil conditions there were only a very small number—I think never exceeding 200—but I could not but believe that the Secretary was in error in telling me that the large expedition of 1926 would not necessitate an unusual expenditure.

I find in the appropriation act of last December an item of \$1,818,000 covering various items, one being the expenses of our activities in Nicaragua. I have been trying to ascertain what part of that total pertained to Nicaragua and what, if I can find out, it has really cost and is costing to conduct the Nicaraguan business; and if my friend the gentleman from Idaho, chairman of the subcommittee, can give me any information, I would like to have it.

I may say this: Nobody is going to put me in the position of denying that it is proper for our Government to protect American life and property whenever it is in actual peril, but I have not been able to find that any American resident of Nicaragua has been killed or injured.

Mr. ROMJUE. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. ROMJUE. I agree with what the gentleman has just said. I have made an inquiry myself and have never been able to find anybody who can report definitely any civilian American who has been killed in Nicaragua.

Mr. MOORE of Virginia. Have you found how many of our marines have been killed and injured?

Mr. ROMJUE. I made that inquiry of the department and am informed that 21 marines have been killed and 44 have been wounded.

Mr. LA GUARDIA. In action?

Mr. ROMJUE. Yes; and in addition to the 21 killed and 44 injured in action, 10 others have been killed through accidents for which the war was not responsible.

Mr. LA GUARDIA. To clarify what the gentleman from Missouri has just said, the 10 who were killed not as a result of

combat were accidental deaths and not caused by natives of Nicaragua.

Mr. ROMJUE. No. They were accidental deaths, but there were 21 killed in combat and 44 injured.

Mr. MOORE of Virginia. I ascertained, when I was making some investigation early last year, that certain corporations, several of them engaged in the lumber business in Nicaragua, were appealing for protection.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. MOORE of Virginia. But not only have I not found that the life of any American civilian has been taken or endangered, but I have not found that there has been any such injury to property as we were told was imminent when the large expeditionary force was organized. Without any partisan feeling in this matter at all and with no purpose to criticize unfairly the administration, I have never ceased to regret that some sort of reason was found by the State Department for sending such a force to Nicaragua as Mr. Wilson, Mr. Harding, and Mr. Coolidge, up to a certain time, apparently never dreamed it was necessary to employ.

Now, the inquiry I am making of my friend is with reference to the expenditure to which our Government has been subjected on account of that course having been taken. [Applause.]

Mr. FRENCH. Mr. Chairman, the question that the gentleman asks as to the amount of added expenditures on account of the service of the marines in Nicaragua is one that your subcommittee is not able to answer at this time. A little later on we shall have the information. It was some months ago when the general supply bill for 1929 for the Navy was considered by the Bureau of the Budget, and at that time the situation was so uncertain that it was deemed desirable that all extra expenditures incurred be included in the next deficiency bill. That bill will follow along later in the session.

However, in response to a question that I asked along the general line, of probable deficiencies for 1928, page 962 of the hearings, we were advised by General McCawley, of the Marine Corps, as follows:

At the present time our books show a probable deficiency of about \$2,750,000 in this year's appropriation.

That, of course, includes deficiencies for various purposes.

Mr. LA GUARDIA. Can the gentleman tell us how much of this amount must be charged to Nicaraguan service?

Mr. FRENCH. No; not at this time, though I have no doubt at all that to some extent there will be unlooked-for expenditures incurred by reason of all expeditionary forces. Ships must be used. To some extent additional equipment must be used. To some extent additional expenses must be incurred more than would occur with conditions running normally at the bases where the marine organizations would normally be stationed. I am sorry I must ask that further information be deferred until the deficiency committee may have the opportunity of going into the question.

Mr. LA GUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. Debate on the pro forma amendment is exhausted.

Mr. LA GUARDIA. Then, Mr. Chairman, I move to strike out the figures "\$4,762,907" and insert in lieu thereof "\$4,672,000."

Mr. Chairman, the gentleman from Idaho [Mr. FRENCH], in his usual pleasant and honest manner, gave us the reason why he could not furnish the information requested by the gentleman from Virginia [Mr. Moore]. I feared for a while that the gentleman would say that for strategic and war reasons it would be incompatible with the public interest to give the information at this time. [Laughter.]

The fact remains, Mr. Chairman, that we have 3,500 armed marines down in Nicaragua; and while one can juggle and conceal figures in appropriations and put them in the regular supply bill or put them in the first or second deficiency bill, yet this expeditionary force down in Nicaragua is costing the people of the United States from \$50,000 to \$70,000 or \$100,000 a day. We do not require an expert from the Navy Department or War Department to inform Congress it costs money to keep an army in the field. The lines of communication that must be established, the cost of local supplies, the quartering of troops,

the transportation of troops within the zone of occupied territory, or whatever you may call it, cost money.

It was suggested a few days ago that the United States is down there at the invitation of the "good people" of Nicaragua. Yet the Congress of Nicaragua voted only a few days ago against any interference on the part of the United States in the control or supervision of their elections; and as Will Rogers says in his typical and certain fashion, the vote of the Congress does not count because the United States did not supervise that vote. [Laughter.]

I submit, gentlemen, that supervising this election no matter how it turns out will bring with it the necessity of keeping troops down there to carry out the results of the election. This is the weakness of the supervision.

It has been said in the course of the discussion on the floor of the House that all factions were agreed. If all factions are agreed, then I ask, in the name of common sense, why do we keep 3,500 troops down there? It is stated that one Sandino is protesting and that it is necessary to watch him. Well, he must be some man if it takes 3,500 marines to chase him and not be able to catch him when one reporter of the Nation went there and had an interview with him. [Laughter.]

Mr. ABERNETHY. Are they going to let Sandino vote when he comes to the polls?

Mr. LAGUARDIA. I wonder. He will have about as much chance of voting as a colored man in the gentleman's State. [Laughter.]

Mr. ABERNETHY. Will the gentleman yield further?

Mr. LAGUARDIA. Yes.

Mr. ABERNETHY. Some of them vote in our State—those who are educated. How do they handle it in New York?

Mr. LAGUARDIA. We let them vote. I wish I had more of them in my district.

Mr. ABERNETHY. You can have all who are not educated in your district. I will turn some of mine over to the gentleman if he wants them. [Laughter.]

Mr. LAGUARDIA. Mr. Chairman, I know there is no use of seeking to place a limitation on this appropriation. It is the honest belief of a good many Members that the presence of United States troops is necessary in Nicaragua. Only time will tell. But, Mr. Chairman, I say that what this Congress ought to do is to take the ideals and the pledges and the promises made by Charles E. Hughes at the Pan American Conference in Habana and translate them into legislation by recalling the troops we have in Nicaragua. [Applause.]

It seems paradoxical and inconsistent that to one part of Central America we send our diplomats who express ideals and offer expressions of friendship with assurances of noninterference in local matters to the people of Central America, while another department of the Government has its armed troops in a friendly sister republic.

The CHAIRMAN. The time of the gentleman from New York has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For pay and allowances of the Marine Corps Reserve, (a) excluding transferred and assigned men, \$150,000; (b) transferred men, \$243,532; (c) assigned men, \$87,500; in all, \$481,032.

Mr. FRENCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 39, line 9, strike out the figures "\$87,500" and insert in lieu thereof "\$65,000."

Mr. FRENCH. Mr. Chairman, the figures I insert represent the action taken by the committee. Somehow in preparing the bill for printing the figures of the Budget draft were used instead of the committee figures. We are carrying for assigned men \$65,000, which will take care of 2,600 men.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct all totals in the bill.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that the Clerk be authorized to correct all totals in the bill. Is there objection?

There was no objection.

The Clerk read as follows:

In all, \$8,370,000, to be accounted for as one fund.

Mr. HARE. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amendment offered by Mr. HARE: Page 43, line 14, after the word "Fund," strike out the period, insert a semicolon, and add the follow-

ing: "Provided, That none of such amount shall be used in transporting troops or marines to and from marine barracks and other points except by the cheapest and most direct route."

Mr. FRENCH. I reserve a point of order against the amendment.

Mr. HARE. Mr. Chairman, I offer this amendment for the purpose of affording some information to inquiries that were made a few moments ago relative to the unnecessary expense incurred in transporting troops to Nicaragua and other places, and with the hope of eliminating such an unnecessary waste of money. I have been advised that there is a growing practice in the Navy Department in recent years that, instead of transporting troops from the marine barracks at Parris Island, S. C., to other marine barracks by the customary method of Government transports or ships, they use the railroads to a much greater extent than formerly.

I am advised that a few weeks ago, when troops were being sent to Nicaragua that, instead of the Government transport stopping at the marine barracks at Parris Island, S. C., where there is one of the greatest natural harbors on the Atlantic coast, 700 or more marines were picked up from the marine barracks at this place and put on the railroad, carried around 100 miles or more, and then placed on a Government transport at a cost of \$3 apiece, when, as a matter of fact, the transports following the Atlantic coast almost every day could have stopped at these barracks and picked them up and carried them wherever they were destined to go at a saving of approximately \$2,000.

My understanding is that for the past two years not a soldier, not a marine, has been picked up and carried away or brought in to these barracks by a Government transport. They have all been transported by rail at an additional cost and expense to the Government.

The only reason that has been assigned as to why these transports do not stop at this point is that a few years ago it is alleged a Government transport got a little mud in the condenser. Yet, as I have already said, this is one of the greatest natural harbors on the Atlantic coast, or in the world, for that matter. It has a bar 600 yards wide, and the harbor adjoining Parris Island can accommodate not only the Navy of the United States but in addition can accommodate the combined navies of the earth and have room enough left for a submarine base.

Mr. JOHNSON of Washington. What is the name of this port?

Mr. HARE. Port Royal Harbor, into which the first vessel sailed that landed white men in this country.

Mr. BUTLER. How much water did she draw?

Mr. HARE. Thirty feet at present. It has carried the *Indiana* and the *Henderson*, and, as a matter of fact, before the naval station was moved from Port Royal the entire Navy of the United States assembled in this harbor at one time and, as I have said, there was enough room left to accommodate the combined navies of the earth. And yet we find the Navy Department transporting troops almost every day and refusing to stop and take on board marines previously assembled at the barracks there for training. Instead of doing this, they place them on the railroads and carry them nearly a hundred miles around to some other place. You ask me why they do that. I am asking the same question, and it is for this reason that I have offered this amendment. If there is no better reason than that assigned, this amendment should be passed and ships compelled to stop and carry these marines and thereby save the Government thousands of dollars every year.

Mr. BUTLER. Would it not be better to move the marine barracks to some other point?

Mr. HARE. I do not know that it would. The gentleman wants to put me in a position of saying that I am anxious for these marine barracks to stay where they are, but I am not discussing this point. I am interested in transporting the marines to and from these barracks at the least expense. If the Government feels Parris Island is the best place for these barracks, let them stay there, but in transporting the marines from these barracks to other barracks or other points the department should use its own transports whenever it is possible and cheaper to do so.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. SCHAFER. They might not want to leave directly from the marine barracks, because they want to camouflage their movements. Perhaps they are afraid of the Sandino submarines, and the gentleman would not want to handicap the Navy if such a condition should arise?

Mr. HARE. I think the Navy Department would be willing to give that explanation and accept that statement if it were correct. I can not help but think that there must be other

reasons for its failure to send its transports into Port Royal Harbor for the purpose of conveying the marines to other barracks or places, but so far we have not been able to find them out. The thing that interests me is that this country establishes a training station on a harbor accessible to its boats, then when the time comes to move the men, and transports are there, the men are not put on the boats but are carried by rail to their destination.

Mr. EDWARDS. To what point did they take these marines by rail?

Mr. HARE. I have been advised they took some of them to Charleston, S. C., and possibly some to Savannah, Ga., or to Norfolk, Va.

Mr. EDWARDS. If the highway that is being constructed from Parris Island over to Savannah had had the bridge in, we could have taken them over to Savannah by truck and carried them away from a real harbor, could we not?

Mr. HARE. Yes; I think you could have carried them to Savannah that way, but the gentleman is not going to get me to speak disparagingly or say anything derogatory about the harbor at Savannah. No doubt they were placed on board at a good harbor, but certainly at no better harbor than can be found at Port Royal, which is at the very door of the marine barracks, and the point I am making is that they should be loaded at their door and not carried to some other port.

Mr. McMILLAN. Has the gentleman got a harbor at Savannah?

Mr. EDWARDS. If the gentleman will permit, I will say that the gentleman has no harbor there, but Savannah is a great world harbor, and it carries the commerce of the world.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. FRENCH. Mr. Chairman, I make the point of order upon the ground that it is an attempt under the guise of a limitation to direct an executive officer to reach a certain decision, to perform a certain function, before the moneys can be used that are carried in the paragraph.

Mr. HARE. Mr. Chairman, I think the amendment is germane. It merely says to the Secretary of the Navy that when transporting these marines from one point to another they shall be carried by the cheapest and most direct route. The bill recites that part of this appropriation is "for transporting of troops," and as the amendment only attempts to say that they shall be transported by the cheapest and most direct route, it appears that the amendment is not only proper but appropriate.

Mr. FRENCH. Mr. Chairman, there is nothing in the language itself to indicate that the amendment would reduce the appropriations. On the other hand it does undoubtedly seek to cause an administrative officer in all cases to come to a determination and work out the question from the standpoint of the rule set up here. In a somewhat similar case where a limitation was proposed, Chairman Frederick C. Hicks, chairman of the Committee of the Whole House on the state of the Union, on January 8, 1923, as indicated on page 48 of Cannon's Procedure in the House of Representatives, made this statement:

As a general proposition whenever a limitation is accompanied by the words "unless," "except," "until," "if," "however," there is ground to view the so-called limitation with suspicion, and in case of doubt as to its ultimate effect the doubt should be resolved on the conservative side.

Then, passing on down in the chairman's decision, he indicates several test questions that seemed to him to be pertinent. The third one is this:

Is the limitation accompanied or coupled with a phrase applying to official functions, and if so, does the phrase give affirmative directions in fact or in effect, although not in form?

It seems to me that this question must immediately be answered by saying that indirectly at least, if not in form, it does do that precise thing.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. EDWARDS. Does not the gentleman think that these marines ought to be transported in the cheapest and most direct manner?

Mr. FRENCH. Yes. Generally speaking they are, and generally speaking I think they ought to be.

Mr. EDWARDS. Why not always?

Mr. FRENCH. Sometimes, it is conceivable, circumstances prevent. Common sense must control.

The CHAIRMAN. The amendment offered by the gentleman from South Carolina reads as follows:

Provided, That none of such amount shall be used in transporting troops or marines to and from marine barracks and other points, except by the cheapest and most direct route.

If the amendment had stopped at the conclusion of the words—

Provided, That none of such amount shall be used in transporting troops or marines to and from marine barracks and other points—

it would be clearly a limitation. It would have forbidden the use of any of the money for the transportation of troops, but it does not entirely prohibit the transportation of troops. It says that such prohibition is to apply except when the transportation is by the cheapest and most direct route. That directs the manner in which the troops or marines shall be transported. It seems to the Chair that it is a direction as to the manner in which certain governmental functions are to be performed rather than a limitation or diminution of the amount that is to be expended.

In this connection the Chair calls attention to a case referred to in section 8693 of a new volume of Hinds' Precedents, a volume not yet published, but which will probably be volume 7, where the caption reads as follows:

8693. Provision that no appropriation provided in the bill be available for any national park "unless" park concessions were granted to highest bidder therefor was held to be legislation and not in order on an appropriation bill.

Under that heading the Chair reads:

On January 29, 1924, the Interior Department bill was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read:

"Appropriations herein made for construction of physical improvements in national parks shall be immediately available.

Mr. Tom D. McKeown, of Oklahoma, offered this amendment:

After the word "available" insert a new paragraph, as follows:

"No appropriation herein made for national parks shall be available for any national park wherein any person, copartnership, or corporation enjoys any exclusive privilege or concession unless such concession or privilege is granted the highest and best bidder for same after due advertisement of the time and place to receive bids under rules and regulations of the commissioner of parks."

The decision was rendered by the gentleman from Michigan [Mr. Cramton] as Chairman of the Committee of the Whole, who used this language:

The Chair is of the opinion this is not a proper limitation. It is close to the border line, but it does more than limit the appropriation. It goes outside of the realm of limitation and purports to legislate how certain privileges shall be obtained, and also to provide that regulations shall be made by the commissioner of parks, and the Chair sustains the point of order.

It seems to the Chair that the pending amendment would not only legislate as to the manner in which the Commander in Chief—the President himself—should employ appropriations in this bill for the transportation of marines but also would necessitate accounting by the Comptroller General of the United States, who would have to determine in every case whether the money had been properly expended under this provision, thus producing conditions and further expenditures, which, in the opinion of the Chair, render it impossible to say that this amendment would reduce or limit the expenditure of money for the transportation of marines. There are many elements besides distance which enter into the cost of transportation, especially by water. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

ALTERATIONS TO NAVAL VESSELS

Toward the alterations and repairs required for the purpose of modernizing the U. S. S. *Oklahoma* and *Nevada*, as authorized by the act entitled "An act to authorize an increase in the limit of cost of certain naval vessels, and for other purposes," approved March 2, 1927, \$6,575,000: *Provided*, That no part of any other appropriation for the fiscal years 1928 and 1929 shall be available for altering, improving, or repairing such ships.

Mr. BRIGGS. Mr. Chairman, will the chairman of the subcommittee be kind enough to indicate the nature of these alterations on these battleships, whether they include gun elevation, or of what character the improvements are?

Mr. FRENCH. I will say to the gentleman that the alterations referred to here include all the major alterations that were referred to in the act which Congress passed on March 2, 1927. They manifestly include alterations for deck protection and aircraft protection and for the elevation of guns and for the modernization of the vessels in general and, in addition to that, such general overhauling as the department would feel justified in giving each ship.

Mr. BRIGGS. Including aircraft guns?

Mr. FRENCH. Yes.

Mr. BRIGGS. I notice that a number of tests were made last summer; among others, on the *California*, on the Pacific coast. I want to get some idea as to whether any of those results have been reported to your committee, or whether other Members are informed.

Mr. FRENCH. The committee members are advised that the department is wonderfully encouraged with the success that has attended the tests that have been made.

Mr. LAGUARDIA. Theoretically.

Mr. FRENCH. Not wholly. Of course, the gentleman must know that these tests are necessarily tests made in the absence of actual war conditions; and yet I will venture to say that those accustomed to the air would not care to be in the place of the target.

Mr. LAGUARDIA. Of course, assuming that a fleet of battleships is in a certain attitude at a certain time, when these explosives explode there would be so many hits.

Mr. FRENCH. Antiaircraft guns must be regarded as additional protection. Fighting planes would be met by fighting planes; but even so, we must not brush aside the antiaircraft guns.

Mr. BRIGGS. How far do they carry?

Mr. FRENCH. It is relative; about 3 miles with encouraging results. Of course, the less the range the more accurate the shooting is.

Mr. BRIGGS. That is all.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

INCREASE OF THE NAVY

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, \$31,500,000, to remain available until expended.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 44, line 4, after the word "authorized," strike out "\$31,500,000" and the remainder of the line and insert "\$33,000,000, of which sum \$1,500,000 will be immediately available toward the construction of three fleet submarines."

Mr. BLACK of New York. I ask unanimous consent, Mr. Chairman, to proceed for 15 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BLACK of New York. Mr. Chairman, on August 29, 1916, Congress authorized the construction of 9 fleet submarines. Since then we have built 3 and are building 3, leaving the remaining 3 as just so much paper. If we progress as quickly on the 15 cruisers in the naval bill of this year, they will not be finished for about 30 years. The President in his message to Congress this year stated that the Navy needs submarines.

The Naval Affairs Committee stated that it did not authorize new submarines because of the 1916 authorization. It seems to me incumbent, then, on Congress to appropriate for the last three submarines of the existing program, and so I have introduced this amendment.

They can hardly be classified as increases in the Navy, for, after all, they would only be replacements for four submarines decommissioned in 1927 and before they can be built a great many other submarines will be out of commission due to age. One of these submarines, declared out of commission in 1927, was the T-3, a fleet submarine. The British have 16 fleet submarines built and building and 12 more authorized. The Japanese have about 25. This difference in fleet submarines, considering that we have only 3 built and 3 building, unbalances the 5-5-3 ratio.

The submarine is a very formidable instrument of war. In the late war, in one month alone, German submarines destroyed 852,000 tons of shipping. They were such a plague to Great Britain that she had to devote a great part of her marine energy and equipment to offsetting the big German submarines, which could operate at a great distance from their own shores. Japan took over the German submarine experts right after the war, so impressed was this oriental nation with the under-sea craft.

We should not be swayed by Great Britain's objection to submarines, because they threaten her naval superiority. Naval superiority means as much to us as to Great Britain. William Martin, writing in the *Journal of Geneva*, says:

The actual hegemony which Britain has exercised in the world during the nineteenth century, and of which its economic prosperity has been a consequence, has been due in a large measure to the fact that no fleet

could measure itself against the British. The day when this will no longer be true, one will see great changes take place both politically and economically. Naval superiority for the British is not actually a question of security, but a question of supremacy.

Mr. Frank H. Simonds, the well-known American expert on international conditions, says:

We are, then, in my judgment, just at the beginning of a long period of strain in Anglo-American relations. * * * But parity is not a question of ships; it is a question of all that goes to make up British greatness in the political world.

We need these submarines to keep the lanes of the sea open, to protect our commerce, which has just as much right on the high seas as British commerce. The American business man has the same right to expand his trade as the British competitor, and our business must not at any time be interfered with by blockade. As the *Chicago Tribune* well said:

The argument is disingenuous. British naval action in all her later wars has been to blockade her enemy. "Contraband" is what Great Britain wishes to declare. The guarding of imperial communications in fact has meant an interference with neutral commerce whenever it suited British interests to interfere. This has worked a serious injury to American commerce in the past and may do so again as long as the protection of trade routes is allowed to remain a British monopoly. Our interest in foreign trade, while not yet so large as Britain's, is increasing far more rapidly. It is probable, if not certain, that before many years our foreign trade will exceed that of the British Isles. The increase of our trade with foreign countries is largely in manufactured goods, a field in which our superiority to the British is only beginning to show itself. The trend is nowhere clearer than in the British dominions. British exports to Australia in 1924 were some \$20,000,000 less than in 1923; in the same year American exports to Australia increased \$45,000,000, a jump of 40 per cent.

America is beginning to outsell Britain in her own dominions, bound together in a tariff union. Elsewhere in the world we should be able to go ahead even faster. At the same time our dependence on the raw materials of industry which are not found in our country is becoming greater with advances in technology. We must buy such vital materials as manganese and rubber from overseas. They may not be so essential to our life as imported wheat and meat is to Britain's, but the difference is not so great as might at first be imagined. Without some of the raw materials which we draw from the outside world, our industrial system must stagnate. If not our lives, then our prosperity and our standard of living will be imperiled by cutting us off from the world. Britain's interest in protecting trade routes to-day is not much greater than ours, and we can anticipate the time when we shall be fully as dependent on sea communications as are the British. Even now we are giving hostages to fortune in permitting any other nation to dominate our communications.

We have challenged Great Britain commercially and, judging by Britain's historical course, we must always be in a position to back up that challenge by an adequate Navy. Those Americans who keep down the American fleet are quite in line with British thought as to conditions on the high seas. Commander Kenworthy, writing in the *Nation*, says:

Satisfactory as was this elimination of Germany as a naval power, the early months of the peace saw a new rival armada in course of construction. In spite of war additions to the British fleet and the comparatively small loss suffered in capital ships, the naval building program of America was so formidable as to threaten Great Britain's sea supremacy. To the British Admiralty the American challenge seemed serious.

It is now obvious that there is little hope for disarmament. European diplomats have a rather strange plan for disarmament under the League of Nations. Mr. Edwin L. James, writing in the *Times*, concerning it, says:

A schedule shall be drawn up of the land, sea, and air forces which the nations now have or will have on completion of the programs now under way; every nation shall state its strength frankly and accept the status quo at the time of making the schedule; whenever any nation departs from this schedule it must explain to the league and the world in general its reasons for so doing.

We must not let this country lapse in fleet submarine strength. Great Britain has an advantage in capital ships, treaty cruisers, and merchant marine units. We can not equalize this through an American superiority in obsolete small submarines and decommissioned destroyers. We can be a better factor for peace if we are strong. As Lord Nelson said:

There is no better negotiator in the councils of Europe than a fleet of English battleships.

We should also bear in mind that the Navy is for fighting purposes, and Napoleon reminds us that God fights on the side of the heaviest artillery.

We have delayed 12 years now on building these submarines, and there has been no more critical time in the history of our country than the present, and we should adopt this amendment so that we can promptly round out the fleet on which our present security and our future prosperity depend.

Gentlemen, we have been discussing this fleet submarine question ever since I have been in the House, and I have been here now for three terms. In that time we have only managed to build about three submarines, although they were authorized away back in 1916. We have promised the country time and time again that we are going to give them something beyond a mere paper navy. It is all right to tell the country we have passed a naval bill providing for the construction of 15 cruisers; it is all right for the Naval Committee to say there is authorization for three additional submarines, but that is not building submarines and it is not satisfying the country. The temper of this country on the Navy is that they want an actual Navy in condition to fight, and at least on a parity with Great Britain.

We have fallen behind in cruisers. We are behind in fleet submarines and we can not say to the American people that we have 15 new cruisers on paper, we have 3 new fleet submarines on paper, we have 30 or 40 obsolete submarines, and have 100 destroyers out of commission. That is no answer to the American people in these times when there is a demand for a real worth-while Navy.

The other day, after we had passed the naval bill, some of us thought we had accomplished something, but I see the White House has summoned two important Members from the other side of the Capitol to consider this naval bill. I do not think this House should lag behind on this naval proposition. We refused to appropriate for the mine-laying submarine and the Senate had to appropriate for it. Are we going to stand by in this House and watch the Senate build up this Navy or are we going to do something about it? We have as much obligation to do this defense work as the Senate of the United States, and I think it is about time, after 12 years of authorization, that we gave this country some real fleet submarines instead of depending on the six we have.

I hope this amendment will be adopted. [Applause.]

Mr. FRENCH. Mr. Chairman, just one word in response to the arguments of the gentleman. I am going to pass by most of the statements he has made and get right down to the question of whether or not we want to begin the program he suggests.

In the 1929 bill we are carrying for new construction in aircraft and in ships for the Navy the grand total of \$72,240,000. That includes for dirigibles \$1,800,000; it includes for aircraft \$15,865,000; it includes for modernization \$6,575,000; and it includes money for two submarines and eight cruisers, \$48,000,000. I submit that this is a very vigorous program for the Nation to carry on at a time when the gentleman characterizes the Navy as a paper navy. I submit, gentlemen, that when this country to-day through this Congress is considering a bill that carries more than \$361,000,000 for 1929 the gentleman makes a severe arraignment of naval administration if by any chance whatever he could justify the statement that we have only a paper navy.

Gentlemen, we ought not to build the naval craft in such a way as to cause humps in construction. We ought not to increase the program for one year out of an orderly way of development; we ought to carry on in an even manner. To do what the gentleman proposes to do would mean to raise a hump in the building program for the next year or so, from which, unless we continued to build in a way that is not justified, we would need to recede to a lower level. The amendment ought not to prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. BLACK of New York. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 44, line 4, after the word "authorized," strike out "\$31,500,000" and insert "\$35,000,000," and also insert the following: "of which sum \$4,500,000 shall be immediately available toward the construction of destroyer leaders."

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I understand the Naval Affairs Committee has stated to the House and to the country that the reason they have not authorized any destroyer leaders is because there is already existing authorization. Unless this amendment is adopted the

destroyer leaders are paper destroyer leaders just as the three fleet submarines are paper fleet submarines.

By denying me the amendment on the submarines you have kept this country behind Great Britain on submarines. You have run away from the 5-5-3 ratio that the President has guaranteed the country we would keep up and that this committee is trying to tell the country we are trying to keep up. We have not a destroyer leader. Great Britain has 17.

Now, what is the use of all this? What is the use of this committee and the President telling the country we need these fleet submarines and we need these destroyer leaders? The President said this in his message, and I still charge, in spite of the one magnificent word of the chairman of the subcommittee, that we have, as far as destroyer leaders are concerned, as far as fleet submarines are concerned, and to a great extent as far as cruisers are concerned, a paper Navy.

The gentleman from Idaho [Mr. FRENCH], in charge of this bill, has wrecked any additional program as far as actual construction of submarines is concerned. I do not know yet how he feels on destroyer leaders; but if it will give the House any consolation, the gentleman's position on these questions has been well approved in circles other than our own. The record of the gentleman's speech against increased cruiser construction a year or so ago was used by the British admiralty against this country. The gentleman never intended it should be used in that way, but the fact remains that our expert, the chairman of the subcommittee, has been also used in the British Parliament in favor of the British Navy and against ours. The President of the United States has spoken differently from the chairman of the subcommittee, and I think if you are going to follow the President you are going to adopt this amendment even though you did not adopt the last one offered.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLACK of New York. If the gentleman wants to ask me a question; yes.

Mr. SCHAFER. The gentleman ought to have enough votes from New York to adopt the amendment.

Mr. BLACK of New York. New York can not do everything; but it will be a great thing for the Navy when New York gets control.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BLACK].

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 7, noes 37.

So the amendment was rejected.

The Clerk read as follows:

No part of any appropriation made for the Navy shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services of civilians and of enlisted men of the Navy, except as herein expressly authorized: *Provided*, That there may be detailed to the Bureau of Navigation not to exceed at any one time five enlisted men of the Navy: *Provided further*, That enlisted men detailed to the naval dispensary and the radio-communication service shall not be regarded as detailed to the Navy Department in the District of Columbia: *And provided further*, That the Secretary of the Navy, in his discretion, may assign to the Chief of Naval Operations any public quarters under the jurisdiction of the Navy Department in the District of Columbia.

Mr. LA GUARDIA. Mr. Chairman, I make a point of order on the proviso at page 45, line 3:

And provided further, That the Secretary of the Navy, in his discretion, may assign to the Chief of Naval Operations any public quarters under the jurisdiction of the Navy Department in the District of Columbia.

Mr. FRENCH. Will the gentleman reserve the point of order?

Mr. LA GUARDIA. I reserve the point of order.

Mr. FRENCH. I suspect that the point of order is well taken, although I also think that what the committee has sought to do would be in the interest of economy and that, possibly, the Secretary of the Navy might have authority under the law to do just what is proposed.

Mr. LA GUARDIA. Will the gentleman argue the merits or the point of order so I may be advised?

Mr. FRENCH. I do not care to argue the point of order. I shall be glad to state what it is proposed would be done. On the Naval Observatory grounds is a very large, commodious building that is occupied usually by the Superintendent of the Naval Observatory. The department would like to assign this house to the Chief of Naval Operations.

Mr. LA GUARDIA. So I understand.

Mr. FRENCH. It would mean economy if the Chief of Naval Operations could occupy the property and if the Superintendent of the Naval Observatory could be assigned other quarters;

or on the other hand, if he were to be allowed money for rentals of other quarters. The building itself is so large that not long ago one of the superintendents found it so expensive to keep up that he chose to remain in his own home or at a hotel rather than attempt to keep the building open because the cost of keeping up so large a house was greatly in excess of his allowances for the purpose. We thought it was in the interest of economy to do this thing. I am satisfied it has the support of the Superintendent of the Naval Observatory. I think, however, the language is possibly subject to a point of order.

Mr. LAGUARDIA. Mr. Chairman, this leaves the situation rather undecided. Although the gentleman may not seek to oppose the point of order, he does not concede it. If the gentleman concedes the point of order I have achieved the purpose and further argument is not necessary. This compels me to call the attention of the Chair to the fact that the purpose of the proviso, as stated by the gentleman from Idaho, is to dispossess the present Superintendent of the Naval Observatory in order to install in the quarters the present Chief of the Bureau of Operations. The building now occupied by the Superintendent of the Naval Observatory was constructed under an appropriation made in 1889 and is found on page 806 of the twenty-sixth volume of the Statutes at Large, and there the appropriation was specifically made for the residence of the Superintendent of the Naval Observatory, and the proviso here would change existing law in that it would vest in the Secretary of the Navy the authority to assign another officer to the particular quarters.

In other words, these beautiful quarters at this very useful scientific institution are used by the Superintendent of the Naval Observatory. As you know, it is necessary for him to make assignments of scientific men to observe the motions of the heavenly bodies; but instead of having those, it is intended to convert the place into a tea garden where we can have some movements of the flappers observed by the social elite of Washington. [Laughter.] Clearly, it is legislation and changes existing law.

The CHAIRMAN. The Chair is ready to rule. Without any reference to the purpose of the proviso, it seems clear to the Chair that the proviso changes existing law by authorizing the Secretary of the Navy to assign to the Chief of Naval Operations public quarters under the jurisdiction of the Navy Department in the District of Columbia which may not now be available for that purpose. There is no showing that it would be a retrenchment of expenses under the Holman rule or that it is a limitation upon an appropriation in the bill, and the Chair therefore sustains the point of order.

Mr. LAGUARDIA. Mr. Chairman, I have a further amendment, to strike out, on page 44, line 22, the words "Provided, That there may be detailed to the Bureau of Navigation not to exceed at any one time five enlisted men of the Navy."

That proviso provides for the detail of five enlisted men to the Bureau of Navigation, and I understand it was in contemplation that they would be needed by the new occupant of the quarters involved in the other proviso.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 22, after the word "authorized," strike out all down to and including the word "Navy" in line 25.

Mr. FRENCH. Mr. Chairman, the impression of the gentleman from New York as to the five enlisted men in the Bureau of Navigation is entirely incorrect. There are 24 enlisted men now doing work in the Navy Department, and members of the committee feel that the number should be reduced, and that we ought to employ civilians to do the work. It will be cheaper to do so. On the other hand, the department feels that it ought to have about five men from the enlisted personnel who would be available for work in the department that the civilians could not be used for so satisfactorily, and the Chief of the Bureau of Navigation requests us to continue not more than five.

Mr. LAGUARDIA. Mr. Chairman, on the statement made by the gentleman from Idaho, chairman of the subcommittee, I ask unanimous consent to withdraw the amendment I have offered.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read to the end of line 7, page 46, of the bill.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I dare say that every Member in this House is cognizant of the fact that for a number of years past a chain of very powerful and influential newspapers, in the way of

forming public opinion, have incessantly thundered at the idea that it was entirely inconsistent with a well-organized Naval Establishment to continue to build battleships.

I believe that the editorial utterances of these papers—the Hearst papers—have had a decided effect on the minds of many millions of people throughout the country. These utterances have been elaborated by Members of Congress on the floor of the House. I believe the impression exists in a great many sections of the country that the Naval Establishment has not that equipment which could meet successfully the equipment of other countries that depend upon the navy for supremacy in world affairs.

It has occurred to me that there must be some advisory board in existence which might counteract the influences of these newspapers that are apparently honest and sincere in their comments on the establishment of the present Navy if that influence is misdirected or erroneous. It appears to me it might be good policy if we had an advisory board—and, of course, we do have one—to let the country know once in a while that the Nation has a well-balanced Naval Establishment for the standpoint of battleships, if they be necessary, and why they are so, of cruisers, of airplanes, and of submarines. Because it is all important that we should have such an establishment. As the eloquent Bourke Cockran said on the floor of the House on several occasions in speeches which apparently carried intellectual if not political conviction, that a second-class navy was like a second-class poker hand—it led to the destruction of the possessor, because under the belief that he has a better hand than his opponent he will go to defeat with his second-class hand. That is a matter of which the country should be informed. And, if it be consistent with public policy, it appears to me that it should be the duty of any advisory board which may be in existence, or through those that are in confidence of that advisory board on the floor of this House, to make some authoritative statement that would counteract the influence of these great newspapers that are able to crystallize public opinion, and public opinion rules in this country. I believe it was a celebrated literateur who said, "I care not who writes the laws of the country, if you will permit me to write its songs," and along those lines, I care not who makes the laws of the country, if I am in possession of the newspaper facilities that interpret those laws journalistically, which is more effective than judicially with the reading public, and get that interpretation to the country. It is not entirely in the interest of the Naval Establishment to have go uncontradicted the idea that we are not in a well-balanced position, that we are overmanned from the standpoint of battleships which are as obsolete as tapestry, that serve no useful purpose other than to make for the financial gain of the shipbuilders of the country, and it is not well for the people who make up the bone and sinew and the backbone of the Nation to be under the impression that the Navy is not a fighting machine so much as it is an instrumentality to cater to the powerful political interests that are in control of the shipyards. I think that if there is an advisory board, it would be a patriotic act to inform the country that we have a Navy well equipped, well balanced, a fighting machine modern in every respect and able to discharge the duty that we believe is its obligation. [Applause.]

The Clerk concluded the reading of the bill.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDELOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FRENCH. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will put them en gross. The question is on agreeing to the amendments?

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

A. H. VEAZEY

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, it is with much pride that I call to the attention of the House the fact that the honor goes to my district of furnishing the master teacher of agriculture in the South. Mr. A. H. Veazey, of the Rosewood High School, in Wayne County, N. C., in a recent contest was chosen as the master teacher of vocational agriculture of the entire South.

North Carolina has taken its place as one of the leading States of the Nation and it is holding its own along agricultural lines, and Wayne County is one of the most fertile agricultural counties in the country.

The teaching of agriculture and home economics in the rural high schools of this Nation is one of the most effective means of bettering the conditions of our rural population as well as one of the most popular activities yet inaugurated.

There is pending legislation in Congress at the present time to supplement and encourage these activities. This legislation should pass at this session of Congress. It is known as the George-Reed bill.

ADDRESS OF HON. M. H. THATCHER, OF KENTUCKY

Mr. BOWMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by having printed therein an address delivered by the gentleman from Kentucky [Mr. THATCHER] before the Ohio Valley River Improvement Association at Huntington, W. Va.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOWMAN. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following address delivered by Hon. H. M. THATCHER.

IMPROVEMENT OF THE OHIO RIVER

Mr. THATCHER. Mr. President, Governor Morgan, members of the association, ladies and gentlemen, I am very glad to be with you this afternoon and to participate with you in this meeting. I am very grateful, also, for the kindness shown me in permitting me to say what I have to say to-day. I am on my way home to Louisville by auto, where I have some important appointments, and I am anxious to get on, but I didn't want to miss this meeting.

At the outset I want to express to you the assurance that so far as I am concerned, not only as a Member of Congress, not only as a Representative of the district in which Louisville is situated, but personally, as well, I am heartily in favor of the earliest possible completion of the Ohio River project; and, also, whenever and wherever and to the extent it may fairly be done, I believe that there should be extension of that system on the Ohio River tributaries.

Now the great Ohio River Valley, as has so often been said, is the most wonderful industrial region in the world. There is nothing like it in all the bounds of the earth. No river flows through such a great industrial country. No river flows through so wonderful a region of wealth, actual and potential, as does the Ohio, and its tributary streams. What you say of the Big Kanawha is true. What you say of the Monongahela is true, and these things are true, in more or less degree, of certain other tributaries of this river, like the Kentucky, and Green River, and the Big Sandy, and the Cumberland River. It is all one great system, and we are now getting back to first principles in transportation matters.

Some time ago I read with much interest the story of the Midland Trail, how in the early days, when it was necessary for the pioneers to drive and trudge across the mountains and through the valleys, when that great stream of migration went westward, there were good roads built through certain stretches here and there—plank roads, turnpikes, and the like; and then came the railroads through these great valleys, and the old Midland Trail fell into more or less disuse. Later came the automobiles, and the old Midland Trail was built anew, better than ever before. In the same way we are going back to the first principles of navigation, and the first principles of transportation; especially so as regards our heavy, nonperishable products of factory and mine.

Two years ago it was my pleasure to be on the great Yangtse-Kiang River in China. I also saw canals everywhere I went in China. They have no roads, but everything there is transported by river and canals. China would die within 24 hours, except for water transportation. They have found that to be the cheapest, and for their purposes, through all ages the most effective method. We are getting back to that condition as to our heavy freights.

I think the country at large is absolutely sold upon the idea of the improvement of the Ohio River Valley. I don't think that Congress needs education on that subject. I think Congress is practically a unit. Of course, I can not speak for all the 435 Members. You know it is sometimes said that a Congressman can hardly speak for himself; but

I believe it is the temper of Congress to make appropriations, and to make them as rapidly and as expeditiously as may be necessary, to complete this project. There was a little hitch two or three years ago, of which, I trust, I may not inappropriately speak at this time. I remember when the Bureau of the Budget cut off \$10,000,000 from the rivers and harbors appropriation, estimates submitted by the Chief of Engineers, it was my pleasure to join with some other Members of Congress who are interested in this great river here, and in the Mississippi River project—men like former Congressman Newton, of St. Louis, who is interested, as you all know, in all these waterways propositions, and we aided in securing a restoration of this necessary sum. The Director of the Budget, I am glad to say, when he examined the subject further submitted to Congress a supplemental estimate therefor. As a result the full amount needed was appropriated that year and the great Ohio River improvement work, and other important river and harbor enterprises, went on without interruption or delay, and, therefore, with the greatest economy of expenditure.

You will find the Chief of Engineers to-day, just as his predecessors have been, sympathetic with the idea of this improvement, because as men of experience, as men of skill, they have known the great value of the early completion of this great work. I believe that I can assure you that adequate appropriations will be made, because this is the temper of Congress. The Members of Congress realize the absolute importance of the completion of this work at an early date. "On to Cairo by 1929" is not a false slogan. It is a true slogan, and in my humble judgment will be fully realized.

Also, I believe you will find Congress sympathetic with the idea of flood control as a national problem, because it is a national problem. There is not too much water on the earth if we know what to do with it; but that question has to be approached carefully, thoughtfully, and in the light of the best judgment, and the best skill, and the best experience, because it is going to cost a tremendous lot of money to work it out; but, to repeat it, it is national in its scope, and Congress should approach it as a national question.

I am glad to be with you this afternoon. I am glad to be with the men here who for 30 years—some of them, at least—have stood shoulder to shoulder in this great work, and have helped to educate not only Congress but the Nation at large, not upon any false promises, not upon any false statements of fact but upon the naked truth about this great waterway.

It was my great pleasure to travel on the great River Rhine this summer. I traveled by steamer all the way from West Baden down to the city of Cologne, and I was absolutely amazed at the amount of shipping on that river. I can now understand how those great industrial countries, Germany and France, might be perpetually at strife or in rivalry over the control of that great stream. We met hundreds and hundreds of barges, and innumerable tows of steel and coal and iron and other commodities going up that river. That was typical of practically every day of the year as I was told, and yet we have a greater river here, a stream of greater potential wealth! I believe that only on the lower stretches of the Monongahela River is the tonnage on the Rhine exceeded anywhere on the rivers of the earth. But we will have in this great valley, in this great region, with all of its great wealth, within two or three years incomparable the greatest river system in the world; and this dream of dreams will come true; and when it does come true, nobody will deserve more credit for it than the Ohio Valley Improvement Association and its officers and members. I thank you. [Applause.]

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Calendar Wednesday, to-morrow, the order of committees be changed so that the Committee on Foreign Affairs will be called next, instead of the Committee on Rivers and Harbors.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Calendar Wednesday next the Committee on Foreign Affairs shall have the call ahead of the Committee on Rivers and Harbors. Is there objection?

Mr. BLACK of New York. Reserving the right to object, does the gentleman know whether the so-called Burton resolution respecting an embargo on arms is to be called up?

Mr. TILSON. It is understood that it is not to be called up to-morrow.

Mr. GARNER of Texas. And this is agreeable to the chairmen of the two committees?

Mr. TILSON. This is done at the request of the committees directly concerned, and it will save Calendar Wednesday for Calendar Wednesday business.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 9663. An act authorizing Herman Simmonds, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.;

H. J. Res. 126. Joint resolution to provide for the entry under bond of exhibits for display at the Pacific Southwest Exposition to be held in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, and for other purposes; and

H. J. Res. 245. Joint resolution to make immediately available the appropriation for a road across the Kaibab Indian Reservation.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street;

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; and

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on the following dates they presented to the President of the United States for his approval bills of the following titles:

On March 24, 1928:

H. R. 340. An act to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes; and

On March 27, 1928:

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes, p. m.) the House adjourned until to-morrow, Wednesday, March 28, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 28, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication or control of the European corn borer (H. R. 10377).

COMMITTEE ON MINES AND MINING

(10 a. m.)

Authorizing an appropriation for development of potash jointly by the United States Geological Survey of the Department of the Interior and the Bureau of Mines of the Department of Commerce by improved methods of recovering potash from deposits in the United States (H. R. 496).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To consider proposed legislation governing insurance.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10 a. m.)

To amend the immigration act of 1924 (H. R. 8540).

Amending the immigration laws as applied to Porto Rico (H. R. 10956).

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To require the prompt rendition of accounts (H. R. 12180).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(2 p. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate

and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924 (H. R. 10710).

EXECUTIVE COMMUNICATIONS, ETC.

420. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriations pertaining to the legislative establishment, United States Senate, for the fiscal year 1929, in the sum of \$100,000 (H. Doc. 207), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 148. A resolution providing for the consideration of S. J. Res. 113, S. 716, and H. R. 12407, bills relating to immigration; without amendment (Rept. No. 1056). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 149. A resolution providing for the consideration of H. R. 279, a bill relating to Howard University; without amendment (Rept. No. 1057). Referred to the House Calendar.

Mr. MICHENER: Committee on Rules. H. Res. 150. A resolution providing for the consideration of H. R. 8927, a bill to amend the act to promote export trade; without amendment (Rept. No. 1058). Referred to the House Calendar.

Mr. SEARS of Florida: Committee on Roads. H. Res. 117. A resolution authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Overseas Highway from Key West to the mainland, in the State of Florida, with a view of obtaining the cost of the construction of said bridges, and report their findings to Congress; with amendment (Rept. No. 1059). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 253. A joint resolution authorizing certain customs officials to administer oaths; without amendment (Rept. No. 1060). Referred to the House Calendar.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 12407. A bill to authorize the refund of visa fees in certain cases; without amendment (Rept. No. 1061). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL: Committee on the Post Office and Post Roads. H. R. 57. A bill to enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service; with amendment (Rept. No. 1062). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12394) granting an increase of pension to Emma Steer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12395) for the relief of Greenville News Co.; Committee on Claims discharged, and referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRAHAM: A bill (H. R. 12441) to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress; to the Committee on the Judiciary.

By Mr. BRIGHAM: A bill (H. R. 12442) to provide for the transfer to the Department of Labor of certain forfeited vehicles; to the Committee on Ways and Means.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12443) authorizing improvements at the Fort Mohave Indian School, Arizona; to the Committee on Indian Affairs.

Also, a bill (H. R. 12444) to authorize the construction of a telephone line from Flagstaff to Kayenta, on the Western Navajo Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. NIEDRINGHAUS: A bill (H. R. 12445) to charter the National Society of Woman Descendants of the Ancient and Honorable Artillery Company; to the Committee on the Judiciary.

By Mr. REED of New York: A bill (H. R. 12446) to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.; to the Committee on Indian Affairs.

By Mr. SWING (by request): A bill (H. R. 12447) providing against future floods on the Mississippi and other rivers and for their uninterrupted navigation by restoration of natural channels by reservoirs, dredging, and reclamation operation, making available thereby vast quantities of valuable God-given fertilizer, and for other purposes; to the Committee on Flood Control.

By Mr. MORIN: A bill (H. R. 12448) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922; to the Committee on Military Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 12450) authorizing an appropriation of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes; to the Committee on Indian Affairs.

By Mr. BELL: A bill (H. R. 12451) to establish an assay office at Dahlonega, Lumpkin County, Ga.; to the Committee on Coinage, Weights, and Measures.

By Mr. McSWAIN: A bill (H. R. 12452) further to provide for the national defense; to the Committee on Military Affairs.

By Mr. COLE of Iowa: Joint resolution (H. J. Res. 252) authorizing assistance in the construction of an inter-American highway on the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. HAWLEY: Joint resolution (H. J. Res. 253) authorizing certain customs officials to administer oaths; to the Committee on Ways and Means.

By Mr. WILLIAMSON: Joint resolution (H. J. Res. 254) for the appointment of O. W. Coursay, of South Dakota, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. PRALL: Memorial of the Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York to care for United States prisoners; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 12453) granting a pension to Alvord Queen; to the Committee on Pensions.

Also, a bill (H. R. 12454) to provide for an examination and survey of Totuskey Creek, Richmond County, Va., and of the channel connecting said creek with Rappahannock River; to the Committee on Rivers and Harbors.

By Mr. BUCKBEE: A bill (H. R. 12455) granting an increase of pension to Josephine E. Gorham; to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 12456) awarding a congressional medal of honor to Lincoln Ellsworth; to the Committee on the Library.

By Mr. CRAIL: A bill (H. R. 12457) for the relief of Harry J. Kennedy; to the Committee on Military Affairs.

Also, a bill (H. R. 12458) for the relief of William Wood; to the Committee on Naval Affairs.

Also, a bill (H. R. 12459) granting a pension to Frank A. Kelley; to the Committee on Pensions.

Also, a bill (H. R. 12460) granting a pension to Hannah M. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12461) for the relief of Theodore Reynders; to the Committee on Naval Affairs.

By Mr. GALLIVAN: A bill (H. R. 12462) granting a pension to Mary E. Stevens; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 12463) for the relief of Adam A. Schultz; to the Committee on Military Affairs.

By Mr. JOHNSON of Indiana: A bill (H. R. 12464) granting a pension to Clara V. McCampbell; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12465) granting an increase of pension to Ida P. Hazlett; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 12466) granting a pension to Harriet Owings; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 12467) granting a pension to Marion Williams; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12468) granting an increase of pension to Louisa Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12469) granting a pension to Clara J. Sanders; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 12470) for the relief of William Fair; to the Committee on Claims.

By Mr. NORTON of Nebraska: A bill (H. R. 12471) granting a pension to Roberta Salter; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 12472) granting an increase of pension to Lulu E. Skinner; to the Committee on Pensions.

By Mr. PRALL: A bill (H. R. 12473) for the relief of Thomas Vincent Corey; to the Committee on Naval Affairs.

By Mr. SCHAFER: A bill (H. R. 12474) granting an increase of pension to Lora L. Davis; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12475) for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12476) granting an increase of pension to Elizabeth E. Fisher; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 12477) granting a pension to Nancy Mayes; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 12478) granting an increase of pension to Mary Brady; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6025. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

6026. By Mr. BLOOM: Petition of Louis F. Mayerson, of 60 West One hundred and ninetieth Street, New York City, and other citizens of New York, protesting against House bill 78, Lankford Sunday bill; to the Committee on the District of Columbia.

6027. By Mr. BOHN: Petition of citizens of Munising, Mich., for maintenance of the national origins plan of determining immigration quotas; to the Committee on Immigration and Naturalization.

6028. By Mr. BOWLES: Petition of 117 citizens of Hampden County, Mass., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6029. By Mr. BURTON: Petition of voters of Hambden, Geauga County, Ohio, earnestly advocating the passage of legislation increasing the pensions of Civil War veterans and their widows and dependents; to the Committee on Invalid Pensions.

6030. Also, resolution adopted by the Cuyahoga Chapter, No. 7, D. A. V. of the World War, at a meeting of March 25, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6031. Also, resolution adopted by Prokop Velky Lodge, No. 708, Independent Order of Odd Fellows, at a meeting of March 21, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6032. Also, resolution adopted by the Independent Order of Foresters, Cleveland, Ohio, at a meeting of March 21, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6033. Also, resolution adopted by Lafayette Commandery No. 19, Knights of St. John, Cleveland, Ohio, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6034. Also, resolutions adopted by Painters Local No. 867, Cleveland, Ohio, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6035. Also, resolution adopted by the Cleveland Waiters Union, No. 106, Cleveland, Ohio, at a meeting of March 23, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6036. Also, resolution adopted by Carpenters' Local Union, No. 1242, Cleveland, Ohio, at a meeting held March 19, 1928, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6037. By Mr. CARTER: Petition of California Indian Brotherhood, Stephen Knight, president, urging the passage of legislation compensating the California Indians for their lost lands; to the Committee on Indian Affairs.

6038. By Mr. CHALMERS: Petition against compulsory Sunday observance, signed by constituents of Toledo, Ohio; to the Committee on the District of Columbia.

6039. By Mr. CHINDELOM: Petition of 43 citizens of Chicago and vicinity, filed by Edward R. Lewis, favoring national-origins system in immigration law; to the Committee on Immigration and Naturalization.

6040. By Mr. CRAIL: Petition of Roosevelt Camp No. 9, United Spanish War Veterans, for the enactment of a special bill for the relief of Frank Schallert; to the Committee on Pensions.

6041. By Mr. CROWTHER: Petition of citizens of Montgomery County, N. Y., for the passage of the bill known as House bill 11410; to the Committee on the Judiciary.

6042. Also, petition of citizens of Gloversville, N. Y., for the Civil War pension bill; to the Committee on Invalid Pensions.

6043. By Mr. DALLINGER: Resolution of the commandery of the State of Massachusetts, Military Order of the Loyal Legion, that certain changes be made in House bill 10286; to the Committee on Appropriations.

6044. By Mr. ENGLEBRIGHT: Petition of citizens of Yreka, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

6045. Also, petition of citizens of Day, Modoc County, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

6046. By Mr. GALLIVAN: Petition of American Legion Auxiliary, Flora F. Chapin, State legislative chairman, Worcester, Mass., protesting against the Burton resolution (H. J. Res. 183); to the Committee on Foreign Affairs.

6047. By Mr. HALL of North Dakota: Petition of eight citizens living in North Dakota, for the enactment of the Dale-England bills (H. R. 9502 and 9766); to the Committee on the Civil Service.

6048. By Mr. JOHNSON of Indiana: Petition of voters of Clinton, Ind., for the increase of Civil War pensions; to the Committee on Invalid Pensions.

6049. By Mr. KERR: Resolution of indorsement of House bill 12241, providing additional Federal funds for the teaching of vocational education, presented by the North Carolina Teachers' Association; to the Committee on Education.

6050. By Mr. KVALE: Petition of State Association of County Commissioners of Minnesota, in annual convention, by E. J. Kramer, secretary, urging that counties be reimbursed by the Federal Government for additional expenses incurred through incarceration of Federal prisoners in county jails; to the Committee on the Judiciary.

6051. Also, petition of Jack J. Schener, for Department of Minnesota, Veterans of Foreign Wars, urging enactment of the resolution proposing to make the Star-Spangled Banner the national anthem of the United States; to the Committee on the Judiciary.

6052. By Mr. LEHLBACH: Petition of the Sons and Daughters of Liberty, of the tenth congressional district of New Jersey; to the Committee on Immigration and Naturalization.

6053. Also, petition of the Patriotic Order of Americans, Camp No. 38, of the tenth congressional district of New Jersey; to the Committee on Immigration and Naturalization.

6054. By Mr. MOORE of Virginia: Petition of Thomas E. Ward, Mrs. E. H. Ward, Lillian W. Beem, and others, protesting against the enactment of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

6055. By Mrs. NORTON of New Jersey: Petition of Edwin H. Johnson and several others, of Jersey City, N. J., protesting against House bill 78; to the Committee on the District of Columbia.

6056. By Mr. O'CONNELL: Petition of the Vivisection Investigation League, New York City, with reference to legislation pertaining to the vivisection of dogs; to the Committee on Agriculture.

6057. Also, petition of Binney & Smith Co., New York City, favoring the passage of Cooper bill (H. R. 7729) relating to prison-made goods; to the Committee on Labor.

6058. By Mr. PRALL: Resolution received from the board of estimate and apportionment of the city of New York, approving the proposed subdivision d of section 116 of House bill 1; to the Committee on Ways and Means.

6059. Also, petition adopted at a regular meeting of the eastern broker division, Commercial Telegraphers Union of America, held March 22, 1928, received from J. W. Dunn, presi-

dent, 24 Stone Street, New York City, N. Y.; to the Committee on Agriculture.

6060. By Mr. QUAYLE: Petition of Admiral Schley Naval Squadron, No. 10, of Brooklyn, N. Y., urging the passage of House bill 6518; to the Committee on the Civil Service.

6061. Also, petition of Walter Otis Loomis, urging the passage of Senate bill 777; to the Committee on Invalid Pensions.

6062. Also, petition of McCrory Stores Corporation, urging the passage of House bill 12030; to the Committee on the Post Office and Post Roads.

6063. Also, petition of Aviators Post, American Legion, New York, urging the passage of Senate bill 777; to the Committee on Invalid Pensions.

6064. Also, petition of Second Division Chapter, National Council of Officials of the Railway Mail Service, of New York, urging the passage of House bill 11622; to the Committee on the Post Office and Post Roads.

6065. Also, petition by the board of estimate and apportionment of the city of New York, requesting Congress amend section 116 of the Federal income tax law; to the Committee on Ways and Means.

6066. Also, petition of legionnaires of the State of New York, urging the passage of the Tyson bill; to the Committee on World War Veterans' Legislation.

6067. Also, petition of Amsterdam Broom Co., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6068. Also, petition of Stag Broom & Brush Co., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6069. Also, petition of prison officials committee, against the passage of the Hawes-Cooper bill; to the Committee on Labor.

6070. Also, petition of Eastern Broker Division of the Commercial Telegraphers Union of America, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6071. Also, petition of Gardner Broom Co. of Amsterdam, N. Y., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6072. Also, petition of American Broom & Brush Co. of Amsterdam, N. Y., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6073. Also, petition of Sweet-Orr & Co. (Inc.), urging the passage of the Hawes-Cooper bill; to the Committee on Ways and Means.

6074. Also, petition of Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crime against the Government of the United States; to the Committee on the Judiciary.

6075. By Mr. ROMJUE: Petition of Sarah M. Jones, Jane Johnston et al., of Queen City, Mo., for passage of Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6076. By Mr. SANDERS of Texas: Resolutions by the Troup (Tex.) Chamber of Commerce, asking for an appropriation of \$6,000,000, or as much thereof as may be necessary, to provide for immediate and active prosecution of the work in exterminating the pink bollworm; to the Committee on Agriculture.

6077. By Mr. SNELL: Petition of board of estimate and apportionment of New York State, relative to section 116 of the Federal income tax law; to the Committee on Ways and Means.

6078. By Mr. SWING: Petition of citizens of Banning, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

6079. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, March 28, 1928

(Legislative day of Tuesday, March 27, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.